

# APPENDIX

Case 8:10-cr-00654-RWT \*SEALED\* Document 14 Filed 10/25/10 Page 1 of 4

OCT 25 2010

ENTERED  
RECEIVEDCLERK AT GREENBELT  
DISTRICT OF MARYLAND

MCF DEPUTY

LMP/SDB, USAO 2010R00784

By

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

CRIMINAL NO. RWT 10 CR 0654

FRANESIOUR B. KEMACHE-WEBSTER, \* (Use of Interstate Commerce Facility to  
a/k/a Bryan Webster \* Entice Minor to Engage in Sexual  
Defendant \* Activity, 18 U.S.C. § 2422(b))

\*\*\*\*\*

INDICTMENT

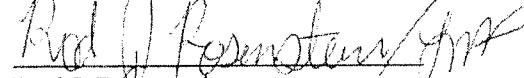
The Grand Jury for the District of Maryland charges that:

Between on or about May 4, 2010 and on or about August 20, 2010, in the District of Maryland and elsewhere, the defendant,

FRANESIOUR B. KEMACHE-WEBSTER,  
a/k/a Bryan Webster,

did knowingly use and attempt to use a facility and means of interstate and foreign commerce to knowingly persuade, induce, entice and coerce an individual who has not attained the age of 18 years to engage in sexual activity for which any person could be charged with a criminal offense.

18 U.S.C. § 2422(b)

  
Rod J. Rosenstein  
United States Attorney

A TRUE BILL:

**SIGNATURE REDACTED**

foreperson

Date: October 25, 2010

Exhibit - 1

Case 8:10-cr-00654-RWT Document 97 Filed 04/21/11 Page 1 of 1

LOGGED RECEIVED

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLANDAPR 18 2011  
21  
U.S. DISTRICT COURT  
DISTRICT OF MARYLANDDEPUTY  
OC

UNITED STATES OF AMERICA

\*

BY

v.

\*

FRANESIOUR B. KEMACHE-WEBSTER,  
a/k/a Bryan Webster,

CRIMINAL NO. RWT 10-654

\*

Defendant

\*

\*

\*\*\*\*\*

**VERDICT FORM**

How do you find the defendant, Franesiour B. Kemache-Webster, aka Bryan Webster, as to Count One (Use of Interstate Commerce Facility to Entice a Minor to Engage in Sexual Activity), guilty or not guilty?

Guilty       Not Guilty       

The foregoing constitutes the unanimous verdict of the jury.

04/21/11  
Date**Redacted***Exhibit-2a*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA,

v.

FRANESIOUR B. KEMACHE-WEBSTER,

Defendant.

\* Case No.: RWT 10cr0654

ORDER

Upon consideration of the Defendant's *Pro Se* Motion for Extension to Address Conviction [ECF No. 102], the Court having construed the same as a motion for an extension of time within which to file a motion for a new trial, it is, this 17th day of May, 2011, by the United States District Court for the District of Maryland, hereby

**ORDERED**, that the Defendant's *Pro Se* Motion for Extension to Address Conviction [ECF No. 102] is **GRANTED**; and it is further

**ORDERED**, that Defendant is **GRANTED LEAVE** to file a motion for a new trial **on or before May 24, 2011**.

\_\_\_\_\_  
/s/  
ROGER W. TITUS  
UNITED STATES DISTRICT JUDGE

Exhibit 3

## LAWLOR &amp; ENGLERT, LLC

*Attorneys at Law*

MICHAEL E. LAWLOR  
*lawlор@lawlor-englert.com*

ANDREW R. SZEKELY  
*aszekely@lawlor-englert.com*

SICILIA C. ENGLERT  
*englert@lawlor-englert.com*

GWENDOLYN R. WATERS  
*gwaters@lawlor-englert.com*

August 11, 2011

Mr. Franesiour Bryan Kemache-Webster  
Federal Inmate #266679  
Central Treatment Facility  
1901 E Street, SE  
Washington, DC 20003

Dear Mr. Webster:

Enclosed is the Motion to Withdraw that Gary filed with the Fourth Circuit regarding your appeal. Since Gary is currently in trial, he asked that I send you this copy and inform you that if you wish to respond to this Motion, you must do so within 7 days of the date it was filed.

Sincerely,

  
Gwendolyn R. Waters

Enclosure

*Exhibit - A*

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

**UNITED STATES**

\*

\*

*Appellee,*

\*

**No. 11-4801**

**v.**

\*

\*

**FRANESIOUR KEMACHE-WEBSTER**

\*

\*

*Appellant*

\*

\*

**MOTION TO WITHDRAW**

Gary E. Proctor, Law Offices of Gary Proctor, LLC, respectfully requests that this Court allow him to withdraw from further representation of the Appellant in this matter, and that substitute counsel be appointed. In support of this Motion, Counsel states as follows:

1. Undersigned counsel was appointed to represent Appellant, pursuant to the Criminal Justice Act, in the district court below. Following a 3 day jury trial, Mr. Webster was convicted of the crime charged. 18 U.S.C. § 2422(b).
2. On August 5, 2011 Mr. Webster was sentenced to life in prison. A timely notice of appeal was filed on that same date.
3. On August 10, 2011, counsel was appointed by the U.S. Court of Appeals for the Fourth Circuit, under the Criminal Justice Act. In counsel's opinion, the most meritorious issue for appeal is that counsel continued to represent Appellant, even

*Exhibit 5a*

though a bar complaint filed by Appellant was pending against him. The district court ordered that trial counsel should continue to represent Appellant, during the pendency of the bar complaint. As the undersigned was trial counsel, he cannot litigate whether he labored under a conflict of interest during trial in this matter. Counsel has discussed this issue with Appellant, and believes he has no objection to him withdrawing from further representation of him in this matter.

WHEREFORE, Counsel respectfully request that he be allowed to withdraw from the case at bar, and that alternative counsel be appointed under the Criminal Justice Act. As there has been no briefing schedule set, there is no prejudice to Appellant in doing so.

Respectfully Submitted,

/s/  
Gary E. Proctor  
Law Offices of Gary E. Proctor, LLC  
8 E. Mulberry Street  
Baltimore, Maryland 21202  
Tel: 410.444.1500  
Fax: 866.230.4455

Exhibit 5b

**CERTIFICATE OF SERVICE**

I hereby certify that on this day, August 11, 2011, a copy of the foregoing was served on the parties via ECF and mailed to Mr. Webster at Correctional Treatment Facility, 1901 E Street, S.E., Washington, D.C. 20002 with proper postage affixed.

/s/

Gary E. Proctor

Exhibit 5e

Appeal: 11-4801 Document: 5-1 Date Filed: 08/17/2011 Page: 1 of 2

FILED: August 17, 2011

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 11-4801  
(8:10-cr-00654-RWT-1)

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

FRANESIOUR B. KEMACHE-WEBSTER, a/k/a Bryan Webster

Defendant - Appellant

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O R D E R

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The court grants the motion to withdraw as counsel on appeal.

The court appoints David W. Lease to represent appellant on appeal.

Counsel is referred to the memorandum on Payment of Counsel Appointed under the Criminal Justice Act for information on appointment terms, obtaining a fee exempt PACER account for electronic access to documents in CJA cases, redacting private and sensitive data from transcripts and other documents, and maintaining time and expense records. If appointed counsel has not previously

Exhibit 4a

Appeal: 11-4801 Document: 5-1 Date Filed: 08/17/2011 Page: 2 of 2

received CJA payments from the federal courts, or if their information has changed, counsel should complete the CJA Taxpayer Identification Form.

Counsel not yet registered for electronic filing should proceed to the court's web site to register as an ECF filer, www.ca4.uscourts.gov.

The enclosed notice to new counsel provides counsel with additional information relevant to the appointment.

Former counsel shall immediately provide new counsel with all case papers, including any prepared transcripts, and information of relevance to the representation.

The court having appointed new counsel for purposes of this appeal, any motion for further substitution of counsel shall be disfavored.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk

5th flr - 46

FILED: April 13, 2012

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 11-4801  
(8:10-cr-00654-RWT-1)

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

FRANESIOUR B. KEMACHE-WEBSTER, a/k/a Bryan Webster

Defendant - Appellant

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O R D E R

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The court defers action on the motion for leave to file a pro se supplemental brief, with proposed pro se supplemental brief, pending consideration of the appeal on the merits.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk

Exhibit 7

FILED: August 21, 2012

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 11-4801  
(8:10-cr-00654-RWT-1)

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

FRANESIOUR B. KEMACHE-WEBSTER, a/k/a Bryan Webster

Defendant - Appellant

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O R D E R

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Upon consideration of submissions relative to the motion to file a pro se supplemental brief, the court grants the motion and accepts the pro se supplemental brief for filing.

For the Court

/s/ Patricia S. Connor, Clerk

*Patricia S. Connor*

**Francesour Kemache-Webster, Petitioner v. United States.**  
**SUPREME COURT OF THE UNITED STATES**  
**133 S. Ct. 2041; 185 L. Ed. 2d 901; 2013 U.S. LEXIS 3407; 81 U.S.L.W. 3615**  
**No. 12-9451.**  
**April 29, 2013, Decided**

**Editorial Information: Subsequent History**

US Supreme Court rehearing denied by Kemache-Webster v. United States, 134 S. Ct. 29, 186 L. Ed. 2d 942, 2013 U.S. LEXIS 5002 (U.S., 2013)

**Editorial Information: Prior History**

United States v. Kemache-Webster, 497 Fed. Appx. 339, 2012 U.S. App. LEXIS 24655 (4th Cir. Md., 2012)

**Judges:** Roberts, Scalia, Kennedy, Thomas, Ginsburg, Breyer, Alito, Sotomayor, Kagan.

**Opinion**

Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

*Exhibit -9*

**Francesour Kemache-Webster, Petitioner v. United States.**  
**SUPREME COURT OF THE UNITED STATES**  
**134 S. Ct. 29; 186 L. Ed. 2d 942; 2013 U.S. LEXIS 5002**  
**No. 12-9451.**  
**July 22, 2013, Decided**

**Editorial Information: Prior History**

**Kemache**-Webster v. United States, 133 S. Ct. 2041, 185 L. Ed. 2d 901, 2013 U.S. LEXIS 3407 (U.S., 2013)

**Judges:** Roberts, Scalia, Kennedy, Thomas, Ginsburg, Breyer, Alito, Sotomayor, Kagan.

**Opinion**

Petition for rehearing denied.

*Exhibit - 10*

FRANESIOUR B. KEMACHE-WEBSTER, Petitioner, v. UNITED STATES OF AMERICA,  
Respondent.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND  
2014 U.S. Dist. LEXIS 110975

Case No.: RWT 10cr654, Case No.: RWT14cv2005  
August 7, 2014, Filed

**Editorial Information: Subsequent History**

Post-conviction relief denied at, Certificate of appealability denied, Request denied by  
Kemache-Webster v. United States, 2015 U.S. Dist. LEXIS 63096 (D. Md., May 14, 2015)

**Editorial Information: Prior History**

Kemache-Webster v. United States, 2014 U.S. Dist. LEXIS 79236 (D. Md., June 11, 2014)

**Counsel** For Minor Victim, Interested Party: Mary Elizabeth Davis, Davis and  
Davis Law Firm, Washington, DC.

For USA, Plaintiff: LisaMarie Freitas, LEAD ATTORNEY, United  
States Department of Justice, Washington, DC; Stacy Dawson Belf, Office of the United  
States Attorney, District of Massachusetts, Boston, MA.

**Judges:** ROGER W. TITUS, UNITED STATES DISTRICT JUDGE.

**Opinion**

**Opinion by:** ROGER W. TITUS

**Opinion**

Exhibit 11 a

**ORDERED**, that the Motion to Set as Placeholder (ECF No. 174) is **DENIED AS MOOT**; and it is further

**ORDERED**, that the Motion/Request for Leave to File a Supplemental to Come Forward to File a Rule 33(b)(1) (ECF No. 175) is **DENIED**; and it is further

**ORDERED**, that the Motion to Amend Motion to Inspect Grand Jury Minutes" (ECF No. 176) is **DENIED AS MOOT**; and it is further

**ORDERED**, that the Motion for Reconsideration of Rule 33(b)(1) Filing of Newly Discovered Evidence (ECF No. 177) is **DENIED**; and it is further

**ORDERED**, that the Motion to Proceed in Forma Pauperis (ECF No. 179) is **DENIED AS MOOT**; and it is further

**ORDERED**, that the Motion to Appoint Counsel (ECF No. 180) is **DENIED**; and it is further

**ORDERED** that the Petitioner's "Ex Parte Communique/Motion for Extension of Time" (ECF No. 182) is **GRANTED** to the extent that the Petitioner shall have until September 8, 2014 to supplement his motion filed under 28 U.S.C. § 2255.

/s/ ROGER W. TITUS

UNITED STATES DISTRICT JUDGE

Exhibit 116

FRANESIOUR B. KEMACHE-WEBSTER, # 42459-007, Petitioner, v. UNITED STATES OF AMERICA,  
Respondent.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

2015 U.S. Dist. LEXIS 63096

Criminal No. RWT-10-0654c/wCivil No. RWT-14-2005

May 14, 2015, Filed

**Editorial Information: Subsequent History**

Appeal dismissed by, Certificate of appealability denied United States v. Kemache-Webster, 2015 U.S. App. LEXIS 16332 (4th Cir. Md., Sept. 14, 2015)

**Editorial Information: Prior History**

Kemache-Webster v. United States, 2014 U.S. Dist. LEXIS 110975 (D. Md., Aug. 7, 2014)

**Counsel** For Minor Victim, Interested Party (8:10-cr-00654-RWT): Mary Elizabeth Davis, Davis and Davis Law Firm, Washington, DC.

For USA, Plaintiff (8:10-cr-00654-RWT): LisaMarie Freitas, LEAD ATTORNEY, United States Department of Justice, Washington, DC; Stacy Dawson Belf, Office of the United States Attorney, District of Massachusetts, Boston, MA.

**Judges:** ROGER W. TITUS, UNITED STATES DISTRICT JUDGE.

Opinion

**Opinion by:** ROGER W. TITUS

Opinion

Exhibit 12a

**CONCLUSION**

The Court finds that all Kemache-Webster's claims are time-barred, and that even if timely filed, they are neither cognizable under § 2255 nor adequate to satisfy the *Strickland* two-prong test establishing ineffective assistance of counsel. Kemache-Webster's motion will be denied and no certificate of appealability shall issue. Accordingly, it is, this 13th day of May, 2015, by the United States District Court for the District of Maryland,

**ORDERED**, that Petitioner's Motion to Set Aside, Correct, or Vacate Sentence Under 28 U.S.C. § 2255 (ECF No. 178) is hereby **DENIED**; and it is further

**ORDERED**, that Petitioner's Motion Request for Counselor (ECF No. 190) is hereby **DENIED**; and it is further

**ORDERED**, that a certificate of appealability **SHALL NOT BE ISSUED**; and it is further

**ORDERED**, that the Clerk is hereby **DIRECTED** to mail a copy of this Memorandum Opinion and Order to Petitioner; and it is further

**ORDERED**, that the Clerk is hereby **DIRECTED** to close Civil Action No. RWT-14-2005.

/s/ ROGER W. TITUS

UNITED STATES DISTRICT JUDGE

**Footnotes**

1

At the time of this sentencing, Kemache-Webster already had an extensive criminal history, including more than fourteen convictions from 1982-2001, at least nine of which involved various forms of fraud. ECF No. 58, at 2.

2

Kemache-Webster also filed a second motion to appoint counsel. ECF No. 190. Because Kemache-Webster is able to adequately articulate his claims, the claims do not appear unduly complex, and an evidentiary hearing is not required, the Court does not find that the interests of justice require the appointment of counsel and will deny his motion. 18 U.S.C. § 3006A(a)(2)(B) (2012); Rules Governing § 2255 Proceedings, Rule 8(c).

3

Kemache-Webster does not identify who this "primary witness" is, leaving the Court to guess that he is referring to the victim in this matter, his biological daughter. ECF No. 178, at 26-27.

5/26/16 4:12pm

1ydcases

1

FILED: October 9, 2015

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 15-6844  
(8:10-cr-00654-RWT-1)  
(8:14-cv-02005-RWT)

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

FRANESIOUR B. KEMACHE-WEBSTER, a/k/a Bryan Webster

Defendant - Appellant

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STAY OF MANDATE UNDER  
FED. R. APP. P. 41(d)(1)

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Under Fed. R. App. P. 41(d)(1), the timely filing of a petition for rehearing or rehearing en banc or the timely filing of a motion to stay the mandate stays the mandate until the court has ruled on the petition for rehearing or rehearing en banc or motion to stay. In accordance with Rule 41(d)(1), the mandate is stayed pending further order of this court.

6th flt-13

/s/Patricia S. Connor, Clerk

FILED: December 7, 2015

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 15-6844  
(8:10-cr-00654-RWT-1)  
(8:14-cv-02005-RWT)

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

FRANESIOUR B. KEMACHE-WEBSTER, a/k/a Bryan Webster

Defendant - Appellant

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O R D E R

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The court denies the petition for rehearing and rehearing en banc. No judge requested a poll under Fed. R. App. P. 35 on the petition for rehearing en banc.

Entered at the direction of the panel: Judge Shedd, Judge Wynn and Judge Floyd.

For the Court

*Exhibit 14* /s/ Patricia S. Connor, Clerk

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**  
1100 East Main Street, Suite 501, Richmond, Virginia 23219

July 5, 2016

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**DOCKET CORRECTION NOTICE**

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No. 16-9922,    In re: Franesiour Kemache-Web  
                      8:10-cr-00654-RWT-1

TO:    Franesiour B. Kemache-Webster

Please file the exhibit identified below immediately.

[ X] Proposed Section 2255 motion you seek authorization to file in the district court (on the attached form).

Jeffrey S. Neal, Deputy Clerk

*Exhibit 15*

Case 8:10-cr-00654-RWT Document 204 Filed 08/03/16 Page 1 of 1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**UNITED STATES OF AMERICA**

\*

v.

\*

\* Case No. RWT 10-cr-0654

**FRANESIOUR B. KEMACHE-WEBSTER \***

\*

**ORDER**

The Court has reviewed Defendant Franesiour B. Kemache-Webster's Motion for Reconsideration [ECF No. 202] of this Court's May 14, 2015 Order denying Defendant's Motion to Vacate and Motion to Appoint Counsel [ECF No. 191]. On July 29, 2016, the United States Court of Appeals for the Fourth Circuit issued an Order denying Defendant's motion for authorization to file a second or successive 28 U.S.C. § 2255 (2012) motion [ECF No. 203]. Finding the Defendant's Motion for Reconsideration to be without merit, it is this 3rd day of August, 2016, by the United States District Court for the District of Maryland,

**ORDERED**, that Defendant's Motion for Reconsideration [ECF No. 202] is hereby **DENIED**; and it is further

**ORDERED**, that the Clerk **SHALL PROVIDE** a copy of this Order to the Defendant.

/s/

Roger W. Titus  
United States District Judge

*Exhibit 14*

FILED: September 27, 2016

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 16-7208  
(8:10-cr-00654-RWT-1)  
(8:14-cv-02005-RWT)

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

FRANESIOUR B. KEMACHE-WEBSTER, a/k/a Bryan Webster

Defendant - Appellant

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O R D E R

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Upon consideration of the motion for extension of the informal briefing schedule, the court extends the time for serving and filing the informal opening brief to 10/24/2016. Any further request for an extension of time in which to file the informal opening brief shall be disfavored.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk

4th wk - 17

Case 8:10-cr-00654-RWT Document 111 Filed 07/13/11 Page 1 of 8

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

FRANESIOUR B. KEMACHE-WEBSTER,  
a/k/a BRYAN WEBSTER

Defendant

CRIMINAL NO. RWT 10-654

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**UNITED STATES OF AMERICA'S RESPONSE  
TO DEFENDANT'S MOTION FOR A NEW TRIAL**

The United States of America, by its attorneys, file this Response to the Defendant's Motion for A New Trial [Document 109]. The Defendant was convicted by a jury on April 21, 2011 following a three day trial. Following his conviction, the Defendant filed a motion for a new trial based on eight different factors. As these eight factors have no factual or legal basis and provide no valid authority for granting a new trial, the motion should be denied.

**BACKGROUND**

The Defendant, Franesiour B. Kemache-Webster, also known as Bryan Webster, was residing in the District of Columbia in 2008. In October of 2008, F.W., the minor female and biological child of Webster, moved into the residence occupied by Webster. F.W. resided with Webster from October 2008 through March of 2010, at which time he was incarcerated. During that period, Webster vaginally and orally raped his daughter. On March 18, 2008, the Honorable Judge Mott of D.C. Superior Court sentenced Webster to six months of incarceration and 48 months of probation for a charge of Bad Check- More than \$200.00, in violation of D.C. Code 22-1510. At the time of that sentencing, Webster already had an extensive criminal history,

Exhibit 18

Case 8:10-cr-00654-RWT Document 111 Filed 07/13/11 Page 2 of 8

including at more than 14 convictions from 1982 to 2001, at least nine of which involved various forms of fraud. Webster was eventually transferred to Marion Federal Penitentiary, in Marion, Illinois, in April of 2010.

During his incarceration in Marion, Webster wrote letters, sent emails and made telephone calls to his daughter F.W., who resided and attended school in Silver Spring, Maryland. The Defendant made over 200 phone calls, sent over 700 emails and wrote numerous letters. The content of these calls, emails and letters was sexual in nature, discussing Webster's desire to have sex with F.W. and various sex acts they would do together, including sexual acts that they had previously done before Webster was incarcerated.

In August of 2010, F.W.'s mother discovered and read several letters that the Defendant wrote to F.W. from jail. She photocopied the letters and printed emails from the computer at the residence in Silver Spring, Maryland and provided them to law enforcement. An investigation ensued and the Defendant was initially detained pursuant to a criminal complaint on September 15, 2010. On October 24, 2010, the Defendant was indicted on one count of Coercion and Enticement of a minor pursuant to 18 U.S.C. § 2422(b). Following a three day trial that began April 19, 2011, a federal jury convicted Webster on one count of Coercion and Enticement of a minor.

## **ARGUMENT**

### **I. JURY SELECTION WAS PROPERLY CONDUCTED.**

The Defendant offers several arguments which are factually incorrect and misstate the events that occurred during jury selection. First, the Defendant argues that his counsel, Gary Proctor, did not assist him during the jury selection process. The Defendant supports this contention by pointing out that the jury consisted of twelve women and two men. The Defendant

Exhibit -180

fails to state that he struck four men during selection process and when challenged by the Government, Mr. Proctor successfully defeated a challenge based on race and gender.<sup>1</sup> Second, the Defendant argues that the Government should not have been permitted to exclude potential jurors based on their race. This argument is accurate legally, but inaccurate factually. The Government did not, during the course of jury selection, exclude any jurors based on race or gender. In fact, it was the Defendant that struck four white males, prompting the Government to assert a challenge. Mr. Proctor successfully defeated the Government's challenge and the resultant jury consisted of twelve women and two men.

The defendant asserts that he has the right to trial by a jury selected from a fair cross-section of the community. What the Defendant neglected to state is that the jury panel did in fact consist of a cross section of the community, however, the Defendant struck four white males during the selection process. By doing so, the Defendant limited the number of male jurors to the jury. The Government finds it ironic that the Defendant's primary complaint about the jury is that it consisted of more females than males when he has repeatedly requested a female attorney to represent him in this case.

The Defendant also contends, but offers no factual basis, that a lottery process determined the alternate jurors. This argument has no merit as the alternate jurors were selected not through a lottery system, but through the course of the selection process whereby both sides exercised their peremptory challenges and jurors were seated according to the order in which they were selected based on their juror number. The jury selection process was conducted pursuant to the Federal Rules of Criminal Procedure and local rules and did not violate any of the Defendant's

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<sup>1</sup>The Government challenged the Defense's peremptory strikes of four white males, asserting that the defense had excluded these individuals based on race and gender, pursuant to *Batson v. Kentucky*, 476 U.S. 79, 90 L.Ed. 2d 69, 106 S. Ct. 1712 (1986).

*E:\H\H\A\14\*

rights.<sup>2</sup>

## II. THE DEFENDANT'S SIXTH AMENDMENT RIGHTS WERE NOT VIOLATED.

The Defendant contends, in a two part argument, that his Sixth Amendment rights were violated because he did not have the right to confront his accuser nor compel witnesses to testify. Both of these assertions are factually inaccurate.

The Defendant is charged with violating federal statute 18 U.S.C. § 2422(b) based upon the Government's review of evidence obtained during the course of a federal investigation.

During the pre-trial motions hearing, which took place on March 24, 2011, the Government stated in open court that the victim, F.W., while not under Government subpoena to testify at trial, would be made available if the defense elected to call her during their case presentation.

During the trial, the Government elected not call F.W. to testify. The Defendant had the opportunity to call F.W. to testify during their case presentation, however, elected not to. The Defendant's decision to not call F.W. to testify when access to her was not impeded, does not constitute a violation of the Sixth Amendment.

The Defendant's second basis for arguing his Sixth Amendment rights were violated hinges on yet another factual inaccuracy. The Defendant alleges that he had no process or means by which to call witnesses in his defense. The Defendant confuses his decision not to call witnesses with his ability to call witnesses. Prior to the commencement of the trial on March 19, 2011, Michelle Corley, friend of the Defendant, approached the Government prosecutors with a document in her hand that requested her to be present to testify at trial. This document was not generated by the Government, but was in fact generated by the Defense. Further, the Defense has

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<sup>2</sup>In this section of his motion, the Defendant reasserts his previous complaints about his attorney. As the Court has ruled on this issue on previous occasions, the Government will not address this argument.

Exhibit 18 A

a subpoena process available for calling witnesses to testify. In this case, Mr. Proctor employed an investigator who interviewed the victim prior to trial and had the ability to locate witnesses and serve subpoenas. Clearly, the Defense had the ability to obtain legal process and summon witnesses to testify. The Defendant's choice to not call witnesses does not constitute a violation of his Sixth Amendment rights.

### **III. RELEVANT EVIDENCE WAS ADMITTED THROUGHOUT THE TRIAL.**

The Defendant states factual inaccuracies when arguing that the Government gave the jury "misinformation" in regard to the Defendant's behavior. The Government presented evidence deemed admissible by the Court pursuant to the Federal Rules of Evidence. The Defendant's argument that the victim, F.W., was the "initiator" of the offense is absurd. Children cannot consent to engage in sexual acts with adults. Further, as the adult, the Defendant is obligated to obey the laws of both the state and country where he resides as well as exercise common sense. Regardless of the actions of his biological daughter, the Defendant simply cannot engage in sexual acts with her nor entice her via communications to do so. The evidence presented at trial survived the objections made by the Defense under the Federal Rules of Evidence. The proposition that a minor child is an "accomplice" and "principal party" to her own rape and victimization by an adult is absolutely absurd. A child cannot consent to her own rape and victimization, regardless of her actions.

The Defendant sought to introduce the statements of the child to demonstrate what he perceived to be her complicity in his coercion and enticement. The Court reviewed each of the emails challenged by the Defendant to determine their relevance and ruled accordingly.

"Decisions regarding the admission or exclusion of evidence are committed to the sound discretion of the district court and will not be reversed absent an abuse of that discretion."

*Erin Hart - 142*

Case 8:10-cr-00654-RWT Document 111 Filed 07/13/11 Page 6 of 8

*United States v. Lancaster*, 78 F.3d 888, 896 (4<sup>th</sup> Cir. 1996). *Accord United States v. Hedgepeth*, 418 F.3d 411, 418-19 (4<sup>th</sup> Cir. 2005); *United States v. Aramony*, 88 F.3d 1369, 1377 (4<sup>th</sup> Cir. 1996); *United States v. Bostain*, 59 F.3d 474, 480 (4<sup>th</sup> Cir. 1995); *United States v. Moore*, 27 F.3d 969, 974 (4<sup>th</sup> Cir. 1994) (“A district court’s evidentiary rulings are entitled to substantial deference and will not be reversed absent a clear abuse of discretion.”); and *United States v. Whittington*, 26 F.3d 456, 465 (4<sup>th</sup> Cir. 1994). The Court did not, during the course of the trial, restrict the Defendant from introducing evidence, but limited, pursuant to the Federal Rules of Evidence, both the Government and Defense, from introducing evidence that was not relevant. The Defendant was not denied the opportunity to admit relevant evidence, but was denied the opportunity to admit evidence that was not relevant.

#### **IV. THE DEFENDANT WAS PROPERLY CHARGED AND CONVICTED OF VIOLATING A FEDERALLY ENACTED STATUTE.**

The Defendant’s assertion that his Constitutional rights were violated because the Government did not establish the “attempt” requirement of the statute in its case presentation is unsubstantiated and defies logic. In cases involving a charge of an attempt to violate 18 U.S.C. § 2422(b), the government must prove that the defendant (1) acted with the culpability required for conviction of the underlying offense, and (2) took a substantial step toward the commission of the crime. *See United States v. Kaye*, 451 F. Supp.2d 775, 782 (E.D.V.A. 2006) (citing *Farner*, 251 F.3d at 513); *United States v. Helder*, 452 F.3d 751 (8th Cir. 2006). “To constitute a substantial step toward the commission of a crime, the defendant’s conduct must (1) advance the criminal purpose charged, and (2) provide some verification of the existence of that purpose.” *United States v. Goetzke*, 494 F.3d 1231, 1236 (9<sup>th</sup> Cir. 2007); *see also United States v. Barlow*, 568 F.3d 215, 219 (5th Cir. 2009) (describing a substantial step as “conduct which strongly

Exhibit 18

Case 8:10-cr-00654-RWT Document 111 Filed 07/13/11 Page 7 of 8

corroborates the firmness of defendant's criminal attempt such that '[m]ere preparation' is not enough"(citation omitted)). The focus therefore is whether the defendant crossed "the line between preparation and attempt by unequivocally demonstrating that the crime will take place unless interrupted by independent circumstances." *Goetzke*, 494 F.3d at 1237; *see also United States v. Murrell*, 368 F.3d 1283, 1288 (11th Cir. 2004) ("To find that a substantial step was taken, the court must determine that the defendant's objective acts mark his conduct as criminal such that his acts as a whole strongly corroborate the required culpability.").

The Government sufficiently established a substantial step was completed by the Defendant and that he knew he was intending to commit the crime of incest. The evidence admitted at trial demonstrated the existence of a prior sexual "relationship" and the Defendant's intent to continue that relationship upon his release from jail with his biological underage daughter. The specific date for that "reunion" coupled with the specific acts intended and described in detail, established a substantial step on the part of the defendant. The evidence introduced at trial overwhelmingly demonstrated that the Defendant's plan to engage in sex with and impregnate his daughter would have taken place but for the interruption caused by his arrest pursuant to a criminal complaint.<sup>3</sup>

### **CONCLUSION**

The Defendant was charged with and found guilty of violating a federal statute prohibiting an adult from coercing or attempting to coerce a minor to engage in prohibited sexual conduct. The Defendant's motion, premised on inaccurate statements of what occurred during trial coupled with the erroneous and ridiculous argument that a minor child can consent to engage

---

<sup>3</sup>The Defendant asserts in this section of his argument that there was improper expert testimony offered by the Government. As there was no expert testimony offered during the course of this trial, the Government did not respond to this argument.

*646618-5*

Case 8:10-cr-00654-RWT Document 111 Filed 07/13/11 Page 8 of 8

in sex or be coerced to engage in sex with her biological father, does not provide sufficient grounds for a new trial. The Government respectfully submits that for the reasons stated above, the Defendant's Motion for a New Trial should be denied.

Respectfully submitted,

Rod J. Rosenstein  
United States Attorney

By: /s/ Lisa Marie Freitas  
LisaMarie Freitas  
Special Assistant United States Attorney

Stacy Belf  
Assistant United States Attorneys

Exhibit 18 b

UNITED STATES SENTENCING GUIDELINE  
CRIMINAL HISTORY CATEGORY SCORE INFORMATION

The Petitioner [KEMACHE-WEBSTER] presents before this Said Honorable Court his 'VERIFIABLE CRIMINAL HISTORY INFORMATION'

On March 18, 2010 Petitioner [KEMACHE-WEBSTER] a/k/a Bryan Webster --- went before D.C. Superior Court Associate Judge: John Mott.

On March 18, 2010, Petitioner was sentenced to six (6) months of incarceration for Bad Check over, \$200.00 dollars During the sentencing negotiations phase, there was a discrepancy with the 'Criminal History Scoring' which was worked out.

Originally, the argument was on four (4) points or three (3) Three (3) points was agreed upon.

INFORMATION

In re: United states of America v. Webster

Case No.: 2009-CF2-018166

Judge: Associate Judge: John Mott

AUSA Ms. Katherine Worthington Esq. (202) 514-7622

CSO Mr. George Eatman - CSOSA (202) 442-1420

Conviction Date: November 20, 2009 D.C. 'Fast Track'

Total Score of CHCS 'Criminal History Category Score' 3.25

Criminal History:

Instant Offense: Bad Chek over \$200.00 0 point

11/09/01 Larceny - 1000 days 1 point  
Based on a 1995 arrest and conviction

12/01/00 Fraud - 180 days .25 point  
Based on a 1995 rental car arrest & conviction

06/23/95 Fraud - 1000 days .50 point  
The original Rental Car conviction & sentence

06/23/94 UUV - 180 days .50 point

01/24/90 Forgery / Uttering .50 point

02/14/89 Felony Cheek .50 point

Website: C:\ProgramFiles\Neevia.Com\DocumentConversion\temp\knrsh5u0shy  
5nas3fnfsf5\_311084cr\_ReportSign.rtf

Eth. b. f. m.

# SENTENCING TABLE

(in months of imprisonment)

Offense Level	Criminal History Category (Criminal History Points)					
	I (0 or 1)	II (2 or 3)	III (4, 5, 6)	IV (7, 8, 9)	V (10, 11, 12)	VI (13 or more)
Zone A	1	0-6	0-6	0-6	0-6	0-6
	2	0-6	0-6	0-6	0-6	0-6
	3	0-6	0-6	0-6	0-6	1-7
	4	0-6	0-6	0-6	2-8	3-9
	5	0-6	0-6	1-7	4-10	6-12
	6	0-6	1-7	2-8	6-12	9-15
	7	0-6	2-8	4-10	8-14	12-18
Zone B	8	0-6	4-10	6-12	10-16	15-21
	9	4-10	6-12	8-14	12-18	18-24
	10	6-12	8-14	10-16	15-21	21-27
Zone C	11	8-14	10-16	12-18	18-24	24-30
	12	10-16	12-18	15-21	21-27	27-33
	13	12-18	15-21	18-24	24-30	30-37
Zone D	14	15-21	18-24	21-27	27-33	33-41
	15	18-24	21-27	24-30	30-37	37-46
	16	21-27	24-30	27-33	33-41	41-51
	17	24-30	27-33	30-37	37-46	46-57
	18	27-33	30-37	33-41	41-51	51-63
	19	30-37	33-41	37-46	46-57	57-71
	20	33-41	37-46	41-51	51-63	63-78
	21	37-46	41-51	46-57	57-71	70-87
	22	41-51	46-57	51-63	63-78	77-96
	23	46-57	51-63	57-71	70-87	84-105
	24	51-63	57-71	63-78	77-96	92-115
	25	57-71	63-78	70-87	84-105	100-125
	26	63-78	70-87	78-97	92-115	110-137
	27	70-87	78-97	87-108	100-125	120-150
Zone E	28	78-97	87-108	97-121	110-137	130-162
	29	87-108	97-121	108-135	121-151	140-175
	30	97-121	108-135	121-151	135-168	151-188
Zone F	31	108-135	121-151	135-168	151-188	168-210
	32	121-151	135-168	151-188	168-210	188-235
	33	135-168	151-188	168-210	188-235	210-262
Zone G	34	151-188	168-210	188-235	210-262	235-293
	35	168-210	188-235	210-262	235-293	262-327
	36	188-235	210-262	235-293	262-327	324-405
Zone H	37	210-262	235-293	262-327	292-365	324-405
	38	235-293	262-327	292-365	324-405	360-life
	39	262-327	292-365	324-405	360-life	360-life
Zone I	40	292-365	324-405	360-life	360-life	360-life
	41	324-405	360-life	360-life	360-life	360-life
	42	360-life	360-life	360-life	360-life	360-life
Zone J	43	life	life	life	life	life

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA****Criminal Division - Felony Branch****UNITED STATES OF AMERICA**

\*

v.

\*      **Criminal No. 2009 CF2 19166****J. Mott****BRYAN WEBSTER**\*      **5/11/11****MOTION TO VACATE SHOW CAUSE**

Defendant, Bryan Webster, through his undersigned counsel, respectfully moves this Court to vacate the show cause order in the above-captioned case.

In support of this motion defendant states the following:

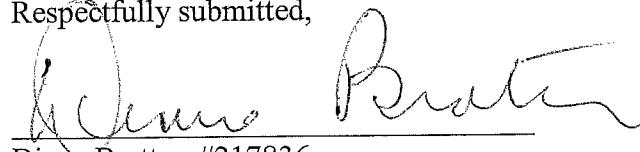
1. On March 18, 2010, defendant Webster was sentenced by this Court after having entered a guilty plea to one count of felony Bad Check, to one to twenty months, three years supervised release; ESS all but six months, followed by forty-eight months of supervised probation, with special conditions among with included restitution of \$13,9320.00.
2. Mr. Webster served his sentence at a federal designation in Marion, Illinois. Prior to his release and thus prior to his beginning the probationary period of his sentence in the instant matter, Mr. Webster was charged in a federal matter with the enticement of a minor for indecent purposes, an offense/s which are alleged to have occurred while he was at the federal prison. He continues to be held in federal custody. Defendant Webster was convicted and will be sentenced on August 5, 2011, in Greenbelt, Maryland.

*Exhibit 216*

3. Inasmuch as defendant Webster never began his probation in the instant case, the order to show cause why his probation should be revoked in this matter should be vacated. Moreover, as a practical matter, defendant requests that the Court consider closing his case.

**WHEREFORE**, defendant Webster respectfully requests that this motion be granted and that the order to show cause be vacated.

Respectfully submitted,

  
Diane Bratter, #217836  
601 Pennsylvania Ave. N.W.  
Suite 900, South Bldg.  
Washington, D.C. 20004  
202-462-0657

Counsel for defendant Webster

#### **CERTIFICATE OF SERVICE**

I certify that a true copy of the foregoing motion was served upon the United States Attorney's Office, by e-mail at: USADC.DefensePleadings@usdoj.gov, and to probation officer Tiffany Carter at tiffany.carter@csoca.gov, this 9th day of May 9, 2011.

  
Diane Bratter

12-7208-214

IN THE UNITED STATES DISTRICT COURT  
 FOR THE SOUTHERN DISTRICT  
 OF  
 THE SEVENTH CIRCUIT OF ILLINOIS  
 BENTON COUNTY, ILLINOIS.

MR. FRANCISOUR B. KEMACHE-WEBSTER  
 # 42459-007

Petitioner

Case No. 10-MJ-4035-PMF

Reflecting:

10-3433-WC (4th Cir.)

v.

THE UNITED STATES OF AMERICA

Respondant

Motion:

Request For Documents  
 Including Call Docket Sheets

....ooo0ooo....

REQUEST FOR DOCUMENTS

INCLUDING  
CALL DOCKET SHEETS

COMES NOW, THE PETITIONER: [KEMACHE-WEBSTER], by and through these truths to all men in representation of himself by Pro-se.

Comes before this Said Court, to make a humble request to:

Motion: Request For Documents.

\* Pursuant To:

Federal Rules of Civil Procedure, Rule(s) 5(c) & 34  
 also - Rule: 26(a)(1)(A)(ii) & 30(b)(2), towards his filing his  
 Writ of Error, under Title 28 Section 2255.

The Petitioner, [KeMache-Webster], states as such:

1. That all of the information provided is true, correct and accurate & under penalties of perjury and by his signature set herein; he also verifies under the same penalties, pursuant to the provisions of Title 28 Section 1746, that the facts given are based upon his own personal knowledge & belief unless otherwise noted to be different.
2. That on September 16, 2010; he was while being processed for release from servicing a (6) six months sentence at USP Marion for a bad check charged, was arrested by Williamson County Sheriffs, based on a facimile that was forwarded to USP Marion for the United States Postal Services based on a complaint filed by United States Postal Investigator for the District of Columbia, Ms. Kia Pickens.

6/11/14 2a

IN THE UNITED STATES DISTRICT COURT  
FOR THE FOURTH CIRCUIT OF MARYLAND  
GREENBELT, MARYLAND

MR. FRANÇSIOUR B. KEMACHE-WEBSTER  
# 42459-007

Petitioner : Case No. 10-00654-RWT  
: Reflecting:  
: 4:10-MJ-4035-PMF(7th Cir.)  
: 2010-3433-WC  
: Appl. Ct. 11-4801  
: U.S. S.Ct.12-9451

v.

THE UNITED STATES OF AMERICA

Respondant : Motion:  
: Request For Documents  
: Including Call Docket Sheets

....ccc00000000....

REQUEST FOR DOCUMENTS  
INCLUDING  
CALL DOCKET SHEETS

COMES NOW, THE PETITIONER: [KEMACHE-WEBSTER], by and through these truths to all men in representation of himself by Pro-se.

Comes before this Said Court, to make a humble request to:

Motion: Request For Documents.

\* Pursuant To:

Federal Rules of Civil Procedure, Rule(s) 5(c) & 34 also - Rule: 26(a)(1)(A)(ii) & 30(b)(2), towards his filing his Writ of Error, under Title 28 Section 2255.

The Petitioner, [KeMache-Webster], states as such:

1. That all of the information provided is true, correct and accurate & under, penalties of perjury and by his signature set herein; he also verifies under the same penalties, pursuant to the provisions of Title 28 Section 1746, that the 'facts given are based upon his own personal knowledge & belief unless otherwise noted to be different.'
2. That on September 16, 2010; he was while being processed for release from servicing a (6) six months sentence at USP Marion for a bad check charged, was arrested by Williamson County Sheriffs, based on a facimile that was forwarded to USP Marion for the United States Postal Services based on a complaint filed by United States Postal Investigator for the District of Columbia, Ms. Kia Pickens.

6th flr. 2c

3. That on September 16, 2010; he was transported to the Williamson County Sheriff's Detention Center [THE JAIL] and processed into their system. Later on the same date he was transported to the Benton County, Illinois Federal Court House and turned over to the United States Marshal Service for federal processing.
4. That on September 16, 2010; he was interviewed by a Federal Public Defender a Ms. Malissa Day Esq., whom in turn had he appointed to a Ms. Judith A. Kuenneke Esq. to represent he on the unknown matter.
5. That on September 16, 2010; he was brought before the United States Magistrate Judge: The Honorable: Philip M. Fraizer. whom explained to he the nature of the charge and had he speak with the appointed Counselor of Record about what was going on. The Petitioner, in turn spoke with Pre-trial, in both Illinios and Washington, D.C, about the steps to be taken to forego this above styled case.
6. That on September 16, 2010; waivers were signed, statements were made and transfer arraingments were ~~made to send~~ the Petitioner back to the complain-ing jurisdiction to answered to the complaint that was supposedly issued.
7. That on September 16, 2010; he was taken back to Williamson County Jail to await transport back to Greenbelt, Maryland the requesting jurisdiction but the Petitioner, was not moved until he made a call to Ms. Kuenneke Esq. explaining that there was no transportation order and that he was still in the Williamson County Jail (12) days later.
8. That on September 23, 2010; he was taken from Williamson County Jail back to Benton County Federal Court House, before the United States Marshal's Service, whom in turn obtained a transportation order and sent the detained Petitioner to White County Illinois Jail for detention.
9. That on September 29, 2010, he was transported to the Illinois Air Lift and therefore sent to Oklahoma Transfer Center in Oklahoma City, Oklahoma.
10. That on October 04, 2010; he was sent to Harrisonburg, Pennsylvania's Air Lift and later turned over to the Department of Coprrections of Maryland's authority and remained in their custody until October 18, 2010.
11. That on October 18, 2010; he was turned over to Greenbelt, Maryland to stand an answer to the complaint, which is now an arrest warrant.

Exhibit 22 d

13. That on October 18, 2010; was appointed, new counsel from the Federal Public Defenders Office of Greenbelt, Maryland, a Mr. Andrew Carter Jr., I was given Pre-trial paper work to fill out, but was not given a detention hearing.
14. That on October 25, 2010; he was indicted on a one count indictment of: Coecion & Enticement [of his daughter] under Title 18 Section 2422(b)
15. That on April 21, 2011; he was convicted of a (12) women jury (10) black women and (2) white women, who deliberated for 28 minutes and found him guilty of a completed offense where it is shown and stated that he was incarcerated during the entire time of the offense.
16. That on August 05, 2011; he was sentenced to a term of [LIFE] in prison and sent to Terre Haute, Indiana's C.M.U. [Communicatins Management Unit] e.g. [The Terrorist Unit of Indiana] under the United States S.A.M. [Special Administrative Measures] Act, monitored by the C.T.U. [Counter Terrorism Unit] of the Department of Justice & Homeland Security, due in part because His Honor: Judge Roger W. Titus imposed the sentence based on his deciding that the imposition should [NOT] be guidelined but given a variance, and since the sentenced carried a minimum / mandatory of 10 to Life, he decided to impose the entire sentence.
17. That on August 05, 2011; his Notice of Appeal was entered.
18. That on April 29, 2012; his conviction & sentece were affirmed based on the idea that the victim, [his daughter] assented to the conversations & communications that had transpired between the two.
19. On November 19, 2012; his conviction & sentence were affirmed based on denial by Re-hearing/En banc. A Writ of Certiorari was entered for the 2013 October session.
20. On April 29, 2013; his convition & sentence was affirmed by the order of The United States Supreme Court, by denial to not be heard under the Writ of Certiorari, all Justices took part in the decision.
21. On July 22, 2013: his conviction & sentence were affirmed by the order of The United States Supreme Court, by not having all of the proper files and documents presented for Rehearing of Writ of Certiorari, all Justices took part in the decision.

Exhibit 2e

The Petitioner, [KeMache-Webster], in preparation to go forward before the District Court of Greenbelt, Maryland in cause of submitting his Writ of Error, under Title 28 Section 2255; is without all of the needed & required paper work to move forward in preparation of his Writ of Error.

The paper work in request would consist of any and all:

Affidavits, Applications, Briefs, Certificates, Complaints, Documents, Evidence, Files, Guidelines, Informations, Judgments, Materials, Motions, Notices, Objections, Orders, Petitions, Pleadings, Records, Reports, Statements, Stipulations, Testimonies, Transcripts, Venues, Verifiers and Waivers, that could, should and would pertain to this above styled captioned case & matters.

The Petitioner, [KeMache-Webster], contends that without the proper paper work made available to him that if and when he files Writ of Error in the District Court of Greenbelt, Maryland [AND HE WILL FILE ]; he will not have readily available to him the needed, necessary & required paper work to forego his endeavor or more less respond back to the government when required and requested to do so in any case.

Even though the Petitioner, [KeMache-Webster], has not filed as of yet which means he is not required, to respond / answer the governments reply because one has not been entered as of yet.

Pursuant to:

Federal Rules of Civil Procedure 5(c)

\* If the answer refers to briefs or transcripts of the prior proceedings that are not available in the court's records the judge [MUST] order the government to furnish them within a reasonable time that will not unduly delay the proceedings.

Pursuant to:

Federal Rules of Civil Procedure 26(a)(1)(A)(ii)

(A) \*Except as exempted by Rule 26(a)(1)(B), as otherwise stipulated or ordered by the court, a party must without awaiting a discovery request, provide to the other parties.

(ii) \* A copy- or a description by category and location- of all documents electronically stored information, and tangible things that the dis- closing party has in its possession, custody or control and may use to support its claim or defense, unless the use would be solely for impeachment:

Exhibit -228

Pursuant to:

Federal Rules of Civil Procedure 30(b)(2)

(2) Producing Documents:

- \* If a subpoena duces tecum is to be served on a deponent, the materials designated for production, as set out in the subpoena, must be listed in the notice or as in an attachment. The notice to a party deponent may be accompanied by a request under Rule 34, to produce documents & tangible things at the deposition.

The Petitioner, [KeMache-Webster], also contends; that since he is currently housed at FCI Terre Haute Complex's C.M.U. [Communications Management Unit] under the S.A.M. [Special Administrative Measures] act, located in Terre Haute, Indiana; it is another reason for why he is making his request at such an earlier juncture to his filings of his Writ of Error, under Title 28 Section 2255.

The Petitioner, [KeMache-Webster], also states that since he is under such strict regulations & requirements by the policies given by being in the C.M.U. that he [MUST] make his request rather early in order for him to receive the required, requested, needed & necessary paper work being:

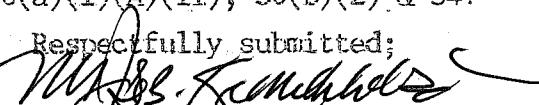
\* Affidavits, Applications, Briefs, Certifications, Complaints, Documents, Evidence, Files, Guidelines, Informations, Judgments, Materials, Motions, Notices, Objections, Orders, Petitions, Pleadings, Records, Remedies, also Reports, Statements, Stipulations, Testimonies, Transcripts, Venues, Verifiers and Waivers, that could, should and would pertain to this above styled captioned case & matters.

WHEREFORE:

The Petitioner, [KeMache-Webster] prays;  
that this Said Court grant the Petitioner the requested relief that this Said Court may deem needed, necessary and required; pursuant to the Federal Rules of Civil Procedures: Rule 5(c), 26(a)(1)(A)(ii), 30(b)(2) & 34.

26 April 2014  
26 April 2014

Respectfully submitted;

  
Mr. KeMache-Webster  
Federal No. 42459-007  
FCI / CMU Terre Haute Complex  
P.O. Box - 0033  
Terre Haute, Indiana 47808

## CERTIFICATE OF SERVICE

HEREIN, I THE PETITIONER, [KEMACHE-WEBSTER], doth so certify & declare under the penalties of perjury, that all of the above styled information is true, correct and accurate to the best of my knowledge and abilities.

HEREIN, I THE PETITIONER, [KEMACHE-WEBSTER], also certify & declare that I have directed the United States Clerk of this Said Court to forward to all parties involved by direction of proved cover letter.

HEREIN, I THE PETITIONER, [KEMACHE-WEBSTER], lastly certify & declare that I have mailed this postage pre-paid U.S. mail, to the United States District Court Clerk in its true, correct and accurate form.

Respectfully submitted;  
/s/

Mr. KeMache-Webster  
26 April 2014

Mr. F.B. KeMache-Webster  
Federal No. 42459-007  
FCI / CMU Terre Haute Complex  
P.O. Box - 0033  
Terre Haute, Indiana 47808

Exhibit - 22h

Sheet 1 - Judgment in a Criminal Case (Rev. 12/04) Case 8:10-cr-00654-RWT Document 127 Filed 08/05/11 Page 1 of 6 Judgment Page 1 of 6

# United States District Court District of Maryland

UNITED STATES OF AMERICA

v.

FRANESIOUR B. KEMACHE-WEBSTER

## JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed on or After November 1, 1987)

Case Number: RWT 8:10-cr-00654-001

USM Number: N/A

Defendant's Attorney: Gary Proctor and  
Gwendolyn Waters

Assistant U.S. Attorney: LisaMarie Freitas and  
Stacy Belf

### THE DEFENDANT:

- pleaded guilty to count(s) \_\_\_\_\_
- pleaded nolo contendere to count(s) \_\_\_\_\_, which was accepted by the court.
- was found guilty on count 1 of the indictment after a plea of not guilty.

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date</u>	<u>Count</u>
18 U.S.C. 2422(b)	Use of an Interstate Commerce Facility to Entice a Minor to Engage in Sexual Activity	Offense Concluded August 20, 2010	Number(s) 1

The defendant is adjudged guilty of the offenses listed above and sentenced as provided in pages 2 through \_\_\_\_\_ of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984 as modified by U.S. v. Booker, 125 S. Ct. 738 (2005).

- The defendant has been found not guilty on count(s) \_\_\_\_\_
- Count(s) \_\_\_\_\_ (is)(are) dismissed on the motion of the United States.

**IT IS FURTHER ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

FILED  
 LOGGED      ENTERED  
 RECEIVED  
  
 AUG - 5 2011  
  
 BY                  DEPUTY  
  
 AT GREENBELT  
 CLERK, U.S. DISTRICT COURT  
 DISTRICT OF MARYLAND

August 5, 2011  
 Date of Imposition of Judgment  
  
  
 ROGER W. TITUS  
 UNITED STATES DISTRICT JUDGE  
 Date 8/5/2011

Name of Court Reporter: Gloria Williams

*Exhibit - 28a*

Case 8:10-cr-00654-RWT Document 127 Filed 08/05/11 Page 2 of 6

Sheet 2 - Judgment in a Criminal Case with Supervised Release (Rev. 2/2005)

Judgment Page 2 of 6

**DEFENDANT: FRANESIOUR B. KEMACHE-WEBSTER**

CASE NUMBER: RWT 8:10-cr-0654-001

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of LIFE.

- The court makes the following recommendations to the Bureau of Prisons:
1. That the defendant participate in any appropriate mental health evaluation and treatment program.
  2. That the defendant not be permitted to send any communication whatsoever to the victim or the victim's mother whose identities are set forth in the Statement of Reasons. This recommendation is not made lightly, but is essential in light of the defendant's past communication history with the victim. This criminal history includes repeated instances of the defendant, communicating with the victim while incarcerated at USP Marion, IL, for which he has now received a life sentence.
  3. That the defendant be designated to the Communications Management Unit (CMU) at either FCC Terra Haute, IN or USP Marion, IL for service of his sentence.
  4. That the Bureau of Prisons provide the Court with a report on the actions taken by it on the Court's recommendations.
- The defendant is remanded to the custody of the United States Marshal.
- The defendant shall surrender to the United States Marshal for this district:
- at \_\_\_\_\_ a.m./p.m. on \_\_\_\_\_.  
 as notified by the United States Marshal.
- The defendant shall surrender, at his/her own expense, to the institution designated by the Bureau of Prisons at the date and time specified in a written notice to be sent to the defendant by the United States Marshal. If the defendant does not receive such a written notice, defendant shall surrender to the United States Marshal:
- before 2 p.m. on \_\_\_\_\_.

A defendant who fails to report either to the designated institution or to the United States Marshal as directed shall be subject to the penalties of Title 18 U.S.C. §3146. If convicted of an offense while on release, the defendant shall be subject to the penalties set forth in 18 U.S.C. §3147. For violation of a condition of release, the defendant shall be subject to the sanctions set forth in Title 18 U.S.C. §3148. Any bond or property posted may be forfeited and judgment entered against the defendant and the surety in the full amount of the bond.

**RETURN**

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_, with a certified copy of this judgment.

---

UNITED STATES MARSHAL

---

By: \_\_\_\_\_  
DEPUTY U.S. MARSHAL

APP. 14

fbi:bk - 23b

## Case 8:10-cr-00654-RWT Document 127 Filed 08/05/11 Page 3 of 6

Sheet 3 - Judgment in a Criminal Case with Supervised Release (Rev. 2/2005)  
DEFENDANT: FRANESIOUR B. KEMACHE-WEBSTER

Judgment Page 3 of 6  
CASE NUMBER: RWT 8:10-cr-0654-001

## SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of LIFE.

### The defendant shall comply with all of the following conditions:

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

#### A. STATUTORY CONDITIONS OF SUPERVISED RELEASE

- 1) The defendant shall not commit any federal, state or local crime.
- 2) In any felony case, the defendant shall not possess a firearm or ammunition as defined in 18 U.S.C. §921.
- 3) The defendant shall not illegally use or possess a controlled substance.
- 4) The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.  
 The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- 5) Pursuant to Pub. Law 108-405, Revised DNA Collection Requirements Under the Justice for All Act of 2004, if applicable, the defendant shall cooperate in the collection of DNA while incarcerated in the Bureau of Prisons, or as directed by the probation officer.
- 6) If this judgment imposes any criminal monetary penalty, including special assessment, fine, or restitution, it shall be a condition of supervised release that the defendant pay any such monetary penalty that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment. The defendant shall notify the court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution, fines, or special assessments.

#### B. STANDARD CONDITIONS OF SUPERVISION

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) The defendant shall support his or her dependents and meet other family responsibilities;
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) The defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) The defendant shall refrain from excessive use of alcohol;
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any persons convicted of a felony unless granted permission to do so by the probation officer;
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) The defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
- 12) The defendant shall notify the probation officer within 72 hours of being charged with any offense, including a traffic offense;
- 13) The defendant shall not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the court;
- 14) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

6-16-17 - 23 C

Case 8:10-cr-00654-RWT Document 127 Filed 08/05/11 Page 4 of 6

Sheet 4 - Judgment in a Criminal Case with Supervised Release (Rev. 2/2005)  
DEFENDANT: FRANESIOUR B. KEMACHE-WEBSTER

Judgment Page 4 of 6

CASE NUMBER: RWT 8:10-cr-0654-001

**C. SUPERVISED RELEASE  
ADDITIONAL CONDITIONS**

1. The defendant shall register with any federal, state, and/or local sex offender registration agency in any location where the defendant resides, is employed, carries on a vocation, or is a student, as directed by the probation officer.
2. The defendant shall satisfactorily participate in a mental health treatment program approved by the probation officer, which may include evaluation, counseling, and testing as deemed necessary by the probation officer.
3. That the defendant shall not have any contact or communication with the victim or victim's mother in this case.
5. That the defendant pay the special assessment in the amount of \$100.00 as directed herein.

Exhibit 23d

Case 8:10-cr-00654-RWT Document 127 Filed 08/05/11 Page 5 of 6

Sheet 5, Part A - Judgment in a Criminal Case with Supervised Release (Rev. 8/2010)

Judgment Page 5 of 6

**DEFENDANT:** FRANESIOUR B. KEMACHE-WEBSTER**CASE NUMBER:** RWT 8:10-cr-0654-001**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b> \$ 100.00	\$	\$
<input type="checkbox"/> CVB Processing Fee \$25.00		

The determination of restitution is deferred until \_\_\_\_\_ An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
	0	0	

**TOTALS**      \$ \_\_\_\_\_ 0      \$ \_\_\_\_\_ 0

Restitution amount ordered pursuant to plea agreement \_\_\_\_\_

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that: .

the interest requirement is waived for     fine     restitution

the interest requirement for     fine     restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

Eckhart 23e

## Case 8:10-cr-00654-RWT Document 127 Filed 08/05/11 Page 6 of 6

Sheet 6 - Judgment in a Criminal Case with Supervised Release (Rev. 2/2005)

Judgment Page 6 of 6

DEFENDANT: FRANESIOUR B. KEMACHE-WEBSTER

CASE NUMBER: RWT 8:10-cr-0654-001

**SCHEDULE OF PAYMENTS**

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Payment of the total fine and other criminal monetary penalties shall be due as follows:

- A  In full immediately
- B  \$\_\_\_\_\_ immediately, balance due (in accordance with C, D, or E); or
- C  Not later than \_\_\_\_\_; or
- D  Installments to commence \_\_\_\_\_ day(s) after the date of this judgment.
- E  In \_\_\_\_\_ (*e.g. equal weekly, monthly, quarterly*) installments of \$\_\_\_\_\_ over a period of \_\_\_\_\_ year(s) to commence when the defendant is placed on supervised release.

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

Unless the court expressly orders otherwise, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalties except those payments made through the Bureau of Prisons Inmate Financial Responsibility Program, are to be made to the Clerk of the Court.

If the entire amount of criminal monetary penalties is not paid prior to the commencement of supervision, the balance shall be paid:

- in equal monthly installments during the term of supervision; or
- on a nominal payment schedule of \$\_\_\_\_\_ per month during the term of supervision.

The U.S. probation officer may recommend a modification of the payment schedule depending on the defendant's financial circumstances.

Special instructions regarding the payment of criminal monetary penalties:

- Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Exhibit - 238

[People](#)[Business](#)[Geography](#)[Data](#)[Research](#)

## State &amp; County QuickFacts

## Prince George's County, Maryland

People QuickFacts	Prince George's County	Maryland
Population, 2011 estimate	871,233	5,828,289
Population, 2010 (April 1) estimates base	863,420	5,773,552
Population, percent change, April 1, 2010 to July 1, 2011	0.9%	0.9%
Population, 2010	863,420	5,773,552
Persons under 5 years, percent, 2011	6.8%	6.3%
Persons under 18 years, percent, 2011	23.5%	23.1%
Persons 65 years and over, percent, 2011	9.8%	12.5%
Female persons, percent, 2011	52.0%	51.6%
White persons, percent, 2011 (a)	26.6%	61.1%
Black persons, percent, 2011 (a)	65.4%	30.0%
American Indian and Alaska Native persons, percent, 2011 (a)	1.0%	0.5%
Asian persons, percent, 2011 (a)	4.3%	5.8%
Native Hawaiian and Other Pacific Islander persons, percent, 2011 (a)	0.2%	0.1%
Persons reporting two or more races, percent, 2011	2.5%	2.5%
Persons of Hispanic or Latino Origin, percent, 2011 (b)	15.2%	8.4%
White persons not Hispanic, percent, 2011	15.2%	54.4%
Living in same house 1 year & over, 2006-2010	83.8%	85.9%
Foreign born persons, percent, 2006-2010	19.4%	13.2%
Language other than English spoken at home, pct age 5+, 2006-2010	19.6%	15.9%
High school graduates, percent of persons age 25+, 2006-2010	85.8%	87.8%
Bachelor's degree or higher, pct of persons age 25+, 2006-2010	29.6%	35.7%
Veterans, 2006-2010	64,735	455,328
Mean travel time to work (minutes), workers age 16+, 2006-2010	35.5	31.3
Housing units, 2010	328,182	2,378,814
Homeownership rate, 2006-2010	64.3%	69.0%
Housing units in multi-unit structures, percent, 2006-2010	32.9%	25.7%



DP-1

Profile of General Population and Housing Characteristics: 2010  
2010 Demographic Profile Data

NOTE: For more information on confidentiality protection, nonsampling error, and definitions, see <http://www.census.gov/prod/cen2010/doc/dpsf.pdf>.

Geography: Prince George's County, Maryland

Subject	Number	Percent
<b>SEX AND AGE</b>		
Total population	863,420	100.0
Under 5 years	58,564	6.8
5 to 9 years	54,482	6.3
10 to 14 years	55,923	6.5
15 to 19 years	67,439	7.8
20 to 24 years	70,644	8.2
25 to 29 years	64,682	7.5
30 to 34 years	61,058	7.1
35 to 39 years	60,695	7.0
40 to 44 years	63,237	7.3
45 to 49 years	66,200	7.7
50 to 54 years	61,853	7.2
55 to 59 years	53,261	6.2
60 to 64 years	43,869	5.1
65 to 69 years	29,761	3.4
70 to 74 years	20,339	2.4
75 to 79 years	14,175	1.6
80 to 84 years	8,950	1.0
85 years and over	8,288	1.0
Median age (years)	34.9	(X)
16 years and over	682,665	79.1
18 years and over	657,421	76.1
21 years and over	611,270	70.8
62 years and over	105,996	12.3
65 years and over	81,513	9.4
Male population	414,161	48.0
Under 5 years	29,836	3.5
5 to 9 years	27,774	3.2
10 to 14 years	28,420	3.3
15 to 19 years	34,955	4.0
20 to 24 years	36,739	4.3
25 to 29 years	32,020	3.7
30 to 34 years	29,390	3.4
35 to 39 years	28,907	3.3
40 to 44 years	29,635	3.4
45 to 49 years	30,630	3.5
50 to 54 years	28,406	3.3
55 to 59 years	23,829	2.8
60 to 64 years	19,591	2.3
65 to 69 years	13,097	1.5
70 to 74 years	9,071	1.1
75 to 79 years	6,053	0.7
80 to 84 years	3,400	0.4
85 years and over	2,408	0.3

EHB-24b

Median age (years)	Total	Percentage
16 years and over	322,070	37.3
18 years and over	309,092	35.8
21 years and over	284,811	33.0
62 years and over	45,043	5.2
65 years and over	34,029	3.9
Female population	449,259	52.0
Under 5 years	28,728	3.3
5 to 9 years	26,708	3.1
10 to 14 years	27,503	3.2
15 to 19 years	32,484	3.8
20 to 24 years	33,905	3.9
25 to 29 years	32,662	3.8
30 to 34 years	31,668	3.7
35 to 39 years	31,788	3.7
40 to 44 years	33,602	3.9
45 to 49 years	35,570	4.1
50 to 54 years	33,447	3.9
55 to 59 years	29,432	3.4
60 to 64 years	24,278	2.8
65 to 69 years	16,664	1.9
70 to 74 years	11,268	1.3
75 to 79 years	8,122	0.9
80 to 84 years	5,550	0.6
85 years and over	5,880	0.7
Median age (years)	36.8	(X)
16 years and over	360,595	41.8
18 years and over	348,329	40.3
21 years and over	326,459	37.8
62 years and over	60,953	7.1
65 years and over	47,484	5.5
RACE		
Total population	863,420	100.0
One Race	836,091	96.8
White	166,059	19.2
Black or African American	556,620	64.5
American Indian and Alaska Native	4,258	0.5
Asian	35,172	4.1
Asian Indian	8,166	0.9
Chinese	5,238	0.6
Filipino	10,067	1.2
Japanese	512	0.1
Korean	2,744	0.3
Vietnamese	3,082	0.4
Other Asian [1]	5,363	0.6
Native Hawaiian and Other Pacific Islander	541	0.1
Native Hawaiian	59	0.0
Guamanian or Chamorro	307	0.0
Samoan	44	0.0
Other Pacific Islander [2]	131	0.0
Some Other Race	73,441	8.5
Two or More Races	27,329	3.2
White; American Indian and Alaska Native [3]	1,099	0.1
White; Asian [3]	2,251	0.3
White; Black or African American [3]	6,475	0.7
White; Some Other Race [3]	4,994	0.6
Race alone or in combination with one or more other races: [4]		
White	183,849	21.3
Black or African American	573,323	66.4
American Indian and Alaska Native	11,562	1.3

Exhibit - 28c

Native Hawaiian and Other Pacific Islander	1,772	0.2
Some Other Race	82,639	9.6
<b>HISPANIC OR LATINO</b>		
Total population	863,420	100.0
Hispanic or Latino (of any race)	128,972	14.9
Mexican	24,247	2.8
Puerto Rican	5,655	0.7
Cuban	1,471	0.2
Other Hispanic or Latino [5]	97,599	11.3
Not Hispanic or Latino	734,448	85.1
<b>HISPANIC OR LATINO AND RACE</b>		
Total population	863,420	100.0
Hispanic or Latino	128,972	14.9
White alone	37,206	4.3
Black or African American alone	8,181	0.9
American Indian and Alaska Native alone	2,102	0.2
Asian alone	357	0.0
Native Hawaiian and Other Pacific Islander alone	211	0.0
Some Other Race alone	71,274	8.3
Two or More Races	9,641	1.1
Not Hispanic or Latino	734,448	85.1
White alone	128,853	14.9
Black or African American alone	548,439	63.5
American Indian and Alaska Native alone	2,156	0.2
Asian alone	34,815	4.0
Native Hawaiian and Other Pacific Islander alone	330	0.0
Some Other Race alone	2,167	0.3
Two or More Races	17,688	2.0
<b>RELATIONSHIP</b>		
Total population	863,420	100.0
In households	844,092	97.8
Householder	304,042	35.2
Spouse [6]	122,000	14.1
Child	253,142	29.3
Own child under 18 years	165,222	19.1
Other relatives	95,979	11.1
Under 18 years	34,574	4.0
65 years and over	10,551	1.2
Nonrelatives	68,929	8.0
Under 18 years	5,731	0.7
65 years and over	2,030	0.2
Unmarried partner	19,508	2.3
In group quarters	19,328	2.2
Institutionalized population	4,283	0.5
Male	2,358	0.3
Female	1,925	0.2
Noninstitutionalized population	15,045	1.7
Male	7,660	0.9
Female	7,385	0.9
<b>HOUSEHOLDS BY TYPE</b>		
Total households	304,042	100.0
Family households (families) [7]	203,520	66.9
With own children under 18 years	93,115	30.6
Husband-wife family	122,000	40.1
With own children under 18 years	54,069	17.8
Male householder, no wife present	19,519	6.4
With own children under 18 years	8,244	2.7
Female householder, no husband present	62,001	20.4
With own children under 18 years	30,802	10.1

Exhibit 24 d

Nonfamily households [1]		
Householder living alone	79,375	26.1
Male	32,938	10.8
65 years and over	5,838	1.9
Female	46,437	15.3
65 years and over	13,304	4.4
Households with individuals under 18 years	111,832	36.8
Households with individuals 65 years and over	61,728	20.3
Average household size	2.78	(X)
Average family size [7]	3.31	(X)
HOUSING OCCUPANCY		
Total housing units	328,182	100.0
Occupied housing units	304,042	92.6
Vacant housing units	24,140	7.4
For rent	9,246	2.8
Rented, not occupied	405	0.1
For sale only	5,095	1.6
Sold, not occupied	656	0.2
For seasonal, recreational, or occasional use	676	0.2
All other vacants	8,062	2.5
Homeowner vacancy rate (percent) [8]	2.6	(X)
Rental vacancy rate (percent) [9]	7.5	(X)
HOUSING TENURE		
Occupied housing units	304,042	100.0
Owner-occupied housing units	190,993	62.8
Population in owner-occupied housing units	546,683	(X)
Average household size of owner-occupied units	2.86	(X)
Renter-occupied housing units	113,049	37.2
Population in renter-occupied housing units	297,409	(X)
Average household size of renter-occupied units	2.63	(X)

X Not applicable.

[1] Other Asian alone, or two or more Asian categories.

[2] Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.

[3] One of the four most commonly reported multiple-race combinations nationwide in Census 2000.

[4] In combination with one or more of the other races listed. The six numbers may add to more than the total population, and the six percentages may add to more than 100 percent because individuals may report more than one race.

[5] This category is composed of people whose origins are from the Dominican Republic, Spain, and Spanish-speaking Central or South American countries. It also includes general origin responses such as "Latino" or "Hispanic."

[6] "Spouse" represents spouse of the householder. It does not reflect all spouses in a household. Responses of "same-sex spouse" were edited during processing to "unmarried partner."

[7] "Family households" consist of a householder and one or more other people related to the householder by birth, marriage, or adoption. They do not include same-sex married couples even if the marriage was performed in a state issuing marriage certificates for same-sex couples. Same-sex couple households are included in the family households category if there is at least one additional person related to the householder by birth or adoption. Same-sex couple households with no relatives of the householder present are tabulated in nonfamily households. "Nonfamily households" consist of people living alone and households which do not have any members related to the householder.

[8] The homeowner vacancy rate is the proportion of the homeowner inventory that is vacant "for sale." It is computed by dividing the total number of vacant units "for sale only" by the sum of owner-occupied units, vacant units that are "for sale only," and vacant units that have been sold but not yet occupied; and then multiplying by 100.

[9] The rental vacancy rate is the proportion of the rental inventory that is vacant "for rent." It is computed by dividing the total number of vacant units "for rent" by the sum of the renter-occupied units, vacant units that are "for rent," and vacant units that have been rented but not yet occupied; and then multiplying by 100.

Source: U.S. Census Bureau, 2010 Census.

E+ h. 24 e



8. This Office and the Defendant agree that, with respect to the calculation of the advisory guidelines range, no other offense characteristics, sentencing guidelines factors, or adjustments in the Sentencing Guidelines will be raised or are in dispute. If the defendant intends to rely upon any expert report or opinion at sentencing, he must disclose any such opinion or report to the government 30 days in advance of the sentencing date.

#### Rule 11(e)(1)(C) Plea

9. The parties stipulate and agree pursuant to Federal Rule of Criminal Procedure 11(e)(1)(C) that a sentence between 120 and 168 months is the appropriate disposition of this case. This agreement does not affect the Court's discretion to impose any lawful term of supervised release or fine or to set any lawful conditions of probation or supervised release. In the event that the Court rejects this plea agreement, either party may elect to declare the agreement null and void. Should the Defendant so elect, he will be afforded the opportunity to withdraw his plea pursuant to the provisions of Federal Rule of Criminal Procedure 11(c)(5).

#### Obligations of the United States Attorney's Office

10. At the time of sentencing, the parties will recommend that the Court accept the stipulated sentencing range. If the plea is accepted by the Court, this Office will recommend a sentence within the stipulated range, subject to the applicable mandatory minimum sentence, and a lifetime term of supervised release.

11. The parties reserve the right to bring to the Court's attention at the time of sentencing, and the Court will be entitled to consider, all relevant information concerning the Defendant's background, character and conduct.

#### Restitution

12. The Defendant agrees that, pursuant to 18 U.S.C. §§ 3663, 3663A, and 2259, the Court may order restitution of the full amount of the actual, total loss caused by the offense conduct set forth in the factual stipulation. The Defendant further agrees that he will fully disclose to the probation officer and to the Court, subject to the penalty of perjury, all information, including but not limited to copies of all relevant bank and financial records, regarding the current location and prior disposition of all funds obtained as a result of the criminal conduct set forth in the factual stipulation. The Defendant further agrees to take all reasonable steps to retrieve or repatriate any such funds and to make them available for restitution. If the Defendant does not fulfill this provision, it will be considered a material breach of this plea agreement, and this Office may seek to be relieved of its obligations under this agreement.

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#### Registration as a Sex Offender

13. The defendant understands and agrees that as a consequence of his conviction for the crime to which he is pleading guilty, he will be required to register as a sex offender, and to keep that registration current, in the place where he resides, where he is employed, and where he is a student, pursuant to the Sex Offender Registration and Notification Act (SORNA), and the laws of the state of his residence. Failure to do so may violate the terms of his supervised release and subject him to new criminal charges pursuant to 18 U.S.C. § 2250.

#### Waiver of Appeal

14. In exchange for the concessions made by this Office and the Defendant in this plea agreement, this Office and the Defendant waive their rights to appeal as follows:

a. The Defendant knowingly waives all right, pursuant to 28 U.S.C. § 1291 or otherwise, to appeal the Defendant's conviction;

b. The Defendant and this Office knowingly waive all rights, pursuant to 18 U.S.C. § 3742 or otherwise, to appeal whatever sentence is imposed (including the right to appeal any issues that relate to the establishment of the advisory guidelines range, the determination of the defendant's criminal history, the weighing of the sentencing factors, and the decision whether to impose and the calculation of any term of imprisonment, fine, order of forfeiture, order of restitution, and term or condition of supervised release), except as follows: (i) the Defendant reserves the right to appeal any sentence that includes a term of imprisonment above 168 months, and (ii) this Office reserves the right to appeal any sentence that includes a term of imprisonment below 120 months.

c. Nothing in this agreement shall be construed to prevent the Defendant or this Office from invoking the provisions of Federal Rule of Criminal Procedure 35(a), or from appealing from any decision thereunder, should a sentence be imposed that resulted from arithmetical, technical, or other clear error.

d. The Defendant waives any and all rights under the Freedom of Information Act relating to the investigation and prosecution of the above-captioned matter and agrees not to file any request for documents from this Office or any investigating agency.

#### Release Pending Sentencing

15. The parties agree to recommend that the Defendant be released pending sentencing pursuant to the conditions mandated by 18 U.S.C. § 3142(c)(1)(B), specifically including electronic monitoring and each of the conditions set forth in §§ 3142(c)(1)(B)(iv), (v), (vi), (vii) and (viii).

6

#### Obstruction or Other Violations of Law

16. The Defendant agrees that he will not commit any offense in violation of federal, state or local law between the date of this agreement and his sentencing in this case. In the event that the Defendant (i) engages in conduct after the date of this agreement which would justify a finding of obstruction of justice under U.S.S.G. § 3C1.1, or (ii) fails to accept personal responsibility for his conduct by failing to acknowledge his guilt to the probation officer who prepares the Presentence Report, or (iii) commits any offense in violation of federal, state or local law, then this Office will be relieved of its obligations to the Defendant as reflected in this agreement. Specifically, this Office will be free to argue sentencing guidelines factors other than those stipulated in this agreement, and it will also be free to make sentencing recommendations other than those set out in this agreement. As with any alleged breach of this agreement, this Office will bear the burden of convincing the Court of the Defendant's obstructive or unlawful behavior and/or failure to acknowledge personal responsibility by a preponderance of the evidence. The Defendant acknowledges that he may not withdraw his guilty plea because this Office is relieved of its obligations under the agreement pursuant to this paragraph.

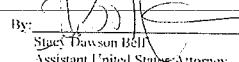
#### Entire Agreement

17. This agreement supersedes any prior understandings, promises, or conditions between this Office and the Defendant and constitutes the complete plea agreement in this case. The Defendant acknowledges that there are no other agreements, promises, undertakings or understandings between the Defendant and this Office other than those set forth in this agreement and none will be entered into unless in writing and signed by all parties.

If the Defendant fully accepts each and every term and condition of this letter, please sign and have the Defendant sign the original and return it to me promptly.

Very truly yours,

Rod J. Rosenstein  
United States Attorney

By:   
Stacy Dawson Bell  
Assistant United States Attorney

LisaMarie Freitas  
Special Assistant United States Attorney

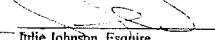
I have read this agreement and carefully reviewed every part of it with my attorney. I understand it, and I voluntarily agree to it. Specifically, I have reviewed the Factual and Advisory Guidelines Stipulation with my attorney, and I do not wish to change any part of it. I am completely satisfied with the representation of my attorney.

6/15/2011  
Date

  
Michael Allen Alper

I am Michael Allen Alper's attorney. I have carefully reviewed every part of this agreement with him. He advises me that he understands and accepts its terms. To my knowledge, his decision to enter into this agreement is an informed and voluntary one.

June 15, 2011  
Date

  
Julie Johnson, Esquire

FILED  
LOGGED  
RECEIVED  
JUL 6 2011  
CLERK U.S. DISTRICT COURT  
CITY OF MARYLAND  
DEPUTY

**EXHIBIT A: STIPULATED FACTS – MICHAEL ALPER**

The undersigned parties hereby stipulate and agree that if this case had proceeded to trial, the government would have proven the following facts beyond a reasonable doubt. The undersigned parties also stipulate and agree that the following facts do not encompass all of the evidence that would have been presented had this matter proceeded to trial.

**The Defendant's Prior Conviction for Statutory Rape**

In October 2003, **MICHAEL ALLEN ALPER** was 27 years of age and living in Virginia. ALPER actively used a computer to play games on the Internet, including role-playing games, through which he engaged minor females in instant messages and other means of communication. Through one such internet game, ALPER met L.S., a 13 year old girl living in Great Falls, Virginia. During internet chats, L.S. initially told ALPER she was 16 years old but later told ALPER she was 13. ALPER told L.S. that he was 21 years old. ALPER continued to chat with the minor victim and later asked her to "hang out." ALPER met up with L.S. at her parents' house, specifically by having L.S. sneak out in the late evening hours while ALPER waited in his car at the end of L.S.'s street to pick her up. When ALPER picked up L.S., he discussed various things including when L.S. would turn 18. ALPER drove to an abandoned street, parked the car, and encouraged the victim to get in the back seat. ALPER then removed L.S.'s clothing, and attempted vaginal intercourse with the victim. L.S., a virgin, was frightened and did not physically resist, but rather simply said "Ouch." ALPER did not stop but inserted his penis inside L.S.'s vagina, whereupon he engaged in intercourse to the point of ejaculation. During the course of the assault, ALPER scratched the L.S.'s back and bit her above her breast. L.S. later reported the incident to her school guidance counselor. Under the direction and surveillance of the Fairfax County Police, L.S. called ALPER, who asked the victim if she had fun, told L.S. he used a condom, and asked L.S. if he left a mark on her. ALPER then talked about hanging out with L.S. again. ALPER was later charged in Fairfax County and convicted of statutory rape and sentenced to three years incarceration, with all but six months suspended, and three supervised probation. During questioning, ALPER claimed that he believed the victim was 19 years old.

Also in the fall of 2003, ALPER met M.M., a 14 year old girl living in Reston, Virginia, on another website. In this instance, after M.M. stated she was 16 years old, ALPER told M.M. he was 17 years old. ALPER communicated with M.M. through instant messaging via the Internet after M.M. told ALPER that her parents did not allow her to speak on the phone with boys. As with L.S., ALPER asked M.M. to meet in person and again met up with her by waiting at the end of the street in her neighborhood. When M.M. arrived at the car, ALPER took her into nearby woods. While chatting, ALPER told M.M. that she was too pretty to be a virgin. ALPER then fondled M.M.'s vagina and caused M.M. to fondle his penis. ALPER removed M.M.'s clothing, told her he was wearing a condom, and then inserted his penis into M.M.'s vagina. M.M. told ALPER that it hurt but ALPER continued to insert his penis into M.M.'s vagina and asked her to be quiet. M.M. tried to pull herself up, but ALPER pushed M.M.'s head onto his penis. ALPER grabbed M.M. by the back of the head while M.M. pushed her hands against the ground trying to get up. ALPER ultimately ejaculated into M.M.'s mouth. ALPER then walked the victim back where he was parked and told her that he wanted to see her again. The victim returned home, where she threw up.

Case 8:11-cr-00344-RWT Document 6-1 Filed 07/06/11 Page 3 of 3

ground and took her clothes off. ALPER performed oral sex on L.M. and had vaginal intercourse with her. ALPER then drove L.M. back to her friend's home. L.M. later discovered ALPER's true identity when an acquaintance found ALPER's Sex Offender Registration under his true name.

After ALPER's identity as a sex offender was discovered, ALPER created another on-line profile in the fictitious name of "Veronica Lacy" and contacted L.M. As Veronica Lacy, ALPER expressed concern that the police may be contacted, lied about the charges that led to the sex offender conviction, and said that ALPER could not afford to get into trouble because of his father's cancer. ALPER also contacted L.M.'s mother, again claimed that he did not know how old L.M. was, and again lied about the underlying sex offender conviction.

In this way, ALPER used a facility of interstate commerce, namely a cell phone and Facebook, through the internet on the computer, to knowingly persuade, induce, entice and coerce L.M., who had not attained the age of 18 years, to engage in sexual activity for which he could have been charged with second degree rape under Maryland law, as the Defendant knowingly engaged in vaginal intercourse with L.M., who had not attained the age of 14 years, while the Defendant was at least four years older than L.M.

I have read this Statement of Facts and carefully reviewed every part of it with my attorney. I understand it, and I voluntarily agree to it. I do not wish to change any part of it.

*6/15/2011*  
Date

*Michael Allen Alper*  
Michael Allen Alper

I am Michael Allen Alper's attorney. I have carefully reviewed every part of this Statement of Facts with him. To my knowledge, his decision to sign it is a voluntary one.

*June 15, 2011*  
Date

*Julie Johnson, Esq.*  
Julie Johnson, Esq.

ALPER continued to chat with the M.M. via instant messaging. ALPER later visited M.M. again, whereupon M.M. was wearing her school uniform with her school logo. ALPER again took M.M. into the woods, where he tried to guide her head towards his penis but M.M. refused. ALPER then instructed M.M. to get on her hands and knees and had vaginal sex with M.M. As ALPER dropped M.M. off, ALPER mentioned the M.M.'s uniform and asked her if that is where she went to school. That night, during an instant message, M.M. told ALPER she was 14 years old and not 16 as she originally stated. About a month later, over instant messaging via the Internet, ALPER asked M.M. to meet again and to wear a skirt. ALPER met with the victim a third time, but left suddenly without incident.

**The Defendant's Use of the Internet to Arrange the Rape of a 13-Year Old Girl**

In February 2010, a month after ALPER's probation ended from the 2003 conviction, ALPER attended an anime and gaming conference at the Gaylord Hotel in Oxon Hill, Maryland. ALPER was now 33 years old and living in Silver Spring, Maryland. While at the conference, ALPER began speaking with L.M., a 13 year old girl from Alexandria, Virginia, and exchanged contact information. ALPER introduced himself to L.M. as "Michael Allen," and continued to communicate with L.M. through a Facebook account with the same name. Facebook is an on-line social networking web site accessed through the internet, which affects interstate and foreign commerce. During Facebook chats, L.M. told ALPER that she was 13 years old. In response, ALPER told L.M. that he was 16 years old, service and L.M. continued messaging each other via the Internet from February 2010 through April 2010.

On March 26, 2010, via chat, service encouraged L.M. to tell her mother a story about seeing a friend so she could leave her home in Virginia and come to ALPER's home in Maryland. ALPER also asked L.M. via Facebook, if she minded that ALPER bites. ALPER made arrangements via internet and cell phone for L.M. to travel from her home in Virginia to the Fort Totten Metro station in Washington, D.C., where ALPER picked her up and drove to his home in Maryland. Upon arriving there, ALPER told L.M. that his father was asleep in another room and to be quiet. *infact, there was no one else in the house.* ALPER then fondled L.M. and digitally penetrated L.M.'s vagina. ALPER attempted to move his head between L.M.'s legs but she pressed her legs together and pushed ALPER away. ALPER told L.M. not to be scared. L.M. then received a telephone call from her mother and ALPER drove her back to her home in Virginia.

ALPER and L.M. continued to communicate via Facebook on the Internet. On March 31, 2010, L.M. was staying overnight at her friend's house in Maryland. While at her friend's house ALPER communicated with L.M. via Facebook and agreed L.M. should sneak out of her friend's house to meet ALPER outside at a store near her friend's home. In the late evening hours of March 31, 2010 into the early morning hours of April 1, 2010, ALPER drove to pick up L.M. from a pharmacy parking lot in Maryland. ALPER then took L.M. to Greenbelt Park, a United States National Park in Greenbelt, Maryland. ALPER drove to a wooded area and parked his car. ALPER led L.M. into the wooded area, where ALPER laid down his coat. ALPER told L.M. to lie on the

JULIO CASTILLO  
CLERK OF THE COURT

DISTRICT OF COLUMBIA COURT OF APPEALS  
430 E Street, NW,  
Washington, D.C. 20001

TELEPHONE 879-2725  
AREA CODE 202

March 24, 2016

Howard Margulies, Esq.  
P.O. Box 2577  
Columbia, MD 21045

Re: *In re: B.W.; F.W. – No. 15-PS-1020*

Dear Mr. Margulies:

On March 22, 2016, this court received a submission from your client, appellant F.W., styled "Requesting Leave to File Supplemental Appellant's Brief" (*enclosed*). I am referring F.W.'s submission to you so that you may discuss with him the issues raised therein.

You may advise your client that since he has counsel, the court will not accept for filing pleadings that he proffers to the court. You may also wish to inform your client that an order issued by this court on March 8, 2016, granted the motion of the District of Columbia to dismiss as moot the appeals associated with appellant's matter (*enclosed*). Accordingly, the order dismissed the appeals as moot and remanded the matters to the trial court to vacate the order terminating the parental rights of the appellants.

Typically, the court would provide a copy of this communication to the appellant; however, in the interest of the appellant's privacy and in light of the matter being sealed before the court, F.W. has not been identified by name or federal registration number, and his address has not been noted below. Please share the enclosed information with your client, F.W., and advise this court, in writing, within 20 days as to how you have addressed his concerns.

Sincerely,

*Julio A. Castillo*  
Julio A. CASTILLO  
Clerk of the Court

Enclosures

CC: Rosanna Mason, Esq.  
Staff Counsel – DCCA



United States Attorney  
District of Maryland  
Southern Division

*Red J. Borosstein*  
United States Attorney

*LizaMarie Freitas*  
Special Assistant United States Attorney

United States Courthouse  
6200 Chloride Lane  
Greenbelt, MD 20770-1249

DIRECT: 301-344-3235  
MAIL: 301-344-4153  
FAX: 301-344-2516  
TDD: 301-344-2426

March 21, 2011

Gary Proctor, Esq.  
8 E. Mulberry St.  
Baltimore, MD 21202

Re: United States of America v. Franesiour Bryan Kemache-Webster,  
Criminal No. RWT 10-654

Dear Mr. Proctor:

This letter confirms the plea agreement which has been offered to the Defendant by the United States Attorney's Office for the District of Maryland ("this Office"). If the Defendant accepts this offer, please have him execute it in the spaces provided below. If this offer has not been accepted by 5:00 p.m. on March 24, 2011, it will be deemed withdrawn. The plea agreement is entered into and will be submitted to the Court pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C). The terms of the agreement are as follows:

Offense of Conviction

1. The Defendant agrees to plead guilty to the one-count Indictment pending against him, which charges him with coercion and enticement of a minor to engage in criminal sexual activity, pursuant to 18 U.S.C. § 2422(b). The Defendant admits that he is, in fact, guilty of that offense and will so advise the Court.

Elements of the Offense

2. The elements of the offense to which the Defendant has agreed to plead guilty, and which this Office would prove if the case went to trial, are as follows: (1) that the Defendant used the U.S. Mails and other facilities of interstate and foreign commerce; (2) to knowingly persuade, induce, entice and coerce; (3) an individual who had not attained the age of 18 years; (4) to engage in sexual activity for which any person can be charged with a criminal offense, in this case, incest under Maryland Code, Criminal Law § 3-323.

d. The Defendant would have the right to testify in his own defense if he so chose, and he would have the right to refuse to testify. If he chose not to testify, the Court could instruct the jury that they could not draw any adverse inference from his decision not to testify.

e. If the Defendant were found guilty after a trial, he would have the right to appeal the verdict and the Court's pretrial and trial decisions on the admissibility of evidence to see if any errors were committed which would require a new trial or dismissal of the charges against him. By pleading guilty, the Defendant knowingly gives up the right to appeal the verdict and the Court's decisions.

f. By pleading guilty, the Defendant will be giving up all of these rights, except the right, under the limited circumstances set forth in the "Waiver of Appeal" paragraph below, to appeal the sentence. By pleading guilty, the Defendant understands that he may have to answer the Court's questions both about the rights he is giving up and about the facts of his case. Any statements the Defendant makes during such a hearing would not be admissible against him during a trial except in a criminal proceeding for perjury or false statement.

g. If the Court accepts the Defendant's plea of guilty, there will be no further trial or proceeding of any kind, and the Court will find him guilty.

h. By pleading guilty, the Defendant will also be giving up certain valuable civil rights and may be subject to deportation or other loss of immigration status. The Defendant recognizes that if he is not a citizen of the United States, pleading guilty may have consequences with respect to his immigration status. Under federal law, conviction for a broad range of crimes can lead to adverse immigration consequences, including automatic removal from the United States. Removal and other immigration consequences are the subject of a separate proceeding, however, and the Defendant understands that no one, including his attorney or the Court, can predict with certainty the effect of a conviction on immigration status. Defendant nevertheless affirms that he wants to plead guilty regardless of any potential immigration consequences.

Advisory Sentencing Guidelines Apply

5. The Defendant understands that the Court will determine a sentencing guidelines range for this case (henceforth the "advisory guidelines range") pursuant to the Sentencing Reform Act of 1984 at 18 U.S.C. §§ 3551-3742 (excluding 18 U.S.C. §§ 3553(b)(1) and 3742(e)) and 28 U.S.C. §§ 991 through 998. The Defendant further understands that the Court will impose a sentence pursuant to the Sentencing Reform Act, as excised, and must take into account the advisory guidelines range in establishing a reasonable sentence.

Penalties

3. The maximum sentence provided by statute for the offense to which the Defendant is pleading guilty is as follows: imprisonment for life (with a mandatory minimum term of incarceration of 10 years), supervised release for life (with a mandatory minimum term of five years), and a \$250,000 fine. In addition, the Defendant must pay \$100 as a special assessment pursuant to 18 U.S.C. § 3013, which will be due and should be paid at or before the time of sentencing. This Court may also order him to make restitution pursuant to 18 U.S.C. §§ 2259, 3663, 3663A, and 3664.<sup>1</sup> If a fine or restitution is imposed, it shall be payable immediately, unless, pursuant to 18 U.S.C. § 3572(d), the Court orders otherwise. The Defendant understands that if he serves a term of imprisonment, is released on supervised release, and then violates the conditions of his supervised release, his supervised release could be revoked - even on the last day of the term - and the Defendant could be returned to custody to serve another period of incarceration and a new term of supervised release. The Defendant understands that the Bureau of Prisons has sole discretion in designating the institution at which the Defendant will serve any term of imprisonment imposed.

Waiver of Rights

4. The Defendant understands that by entering into this agreement, he surrenders certain rights as outlined below:

a. If the Defendant had persisted in his plea of not guilty, he would have had the right to a speedy jury trial with the close assistance of competent counsel. That trial could be conducted by a judge, without a jury, if the Defendant, this Office, and the Court all agreed.

b. If the Defendant elected a jury trial, the jury would be composed of twelve individuals selected from the community. Counsel and the Defendant would have the opportunity to challenge prospective jurors who demonstrated bias or who were otherwise unqualified, and would have the opportunity to strike a certain number of jurors peremptorily. All twelve jurors would have to agree unanimously before the Defendant could be found guilty of any count. The jury would be instructed that the Defendant was presumed to be innocent, and that presumption could be overcome only by proof beyond a reasonable doubt.

c. If the Defendant went to trial, the government would have the burden of proving the Defendant guilty beyond a reasonable doubt. The Defendant would have the right to confront and cross-examine the government's witnesses. The Defendant would not have to present any defense witnesses or evidence whatsoever. If the Defendant wanted to call witnesses in his defense, however, he would have the subpoena power of the Court to compel the witnesses to attend.

<sup>1</sup> Pursuant to 18 U.S.C. § 3612, if the Court imposes a fine in excess of \$2,500 that remains unpaid 15 days after it is imposed, the Defendant shall be charged interest on that fine, unless the Court modifies the interest payment in accordance with 18 U.S.C. § 3612(f)(3).

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Factual and Advisory Guidelines Stipulation

6. This Office and the Defendant understand, agree and stipulate to the Statement of Facts set forth at Attachment A, which this Office would prove beyond a reasonable doubt, and to the following applicable sentencing guidelines factors:

a. Pursuant to U.S.S.G. § 2G1.3(a)(3) of the United States Sentencing Guidelines, the base offense level is 23.

b. Pursuant to U.S.S.G. § 2G1.3(b)(1), the offense level is increased by 2 levels, because the defendant is the biological father of the minor.

c. Pursuant to U.S.S.G. § 2G1.3(b)(2)(B), the offense level is increased by 2 levels, because the defendant otherwise unduly influenced the minor to engage in prohibited sexual conduct.

d. Pursuant to U.S.S.G. § 2G1.3(b)(3), the offense level is increased by 2 levels, because the offense involved the use of a computer to persuade, induce, entice and coerce the minor to engage in prohibited sexual conduct.

e. Pursuant to U.S.S.G. § 3C1.1, the offense level is increased by 2 levels, because the Defendant willfully obstructed or impeded the administration of justice with respect to the investigation, prosecution, or sentencing of the instant offense of conviction and the obstructive conduct related to the Defendant's offense of conviction or a closely related offense.

f. This Office does not oppose a 2-level reduction in the Defendant's adjusted offense level, based upon the Defendant's apparent prompt recognition and affirmative acceptance of personal responsibility for his criminal conduct. This Office agrees to make a motion pursuant to U.S.S.G. § 3E1.1(b) for an additional 1-level decrease in recognition of the Defendant's timely notification of his intention to plead guilty. This Office may oppose any adjustment for acceptance of responsibility if the Defendant (a) fails to admit each and every item in the factual stipulation; (b) denies involvement in the offense; (c) gives conflicting statements about his involvement in the offense; (d) is untruthful with the Court, this Office, or the United States Probation Office; (e) obstructs or attempts to obstruct justice prior to sentencing; (f) engages in any criminal conduct between the date of this agreement and the date of sentencing; or (g) attempts to withdraw his plea of guilty. The adjusted offense level is 33.

7. The Defendant understands that there is no agreement as to his criminal history or criminal history category, and that his criminal history category could affect his offense level if he is a career offender or if the instant offense was a part of a pattern of criminal conduct from which he derived a substantial portion of his income.

8. This Office and the Defendant agree that, with respect to the calculation of the advisory guidelines range, no other offense characteristics, sentencing guidelines factors, or adjustments in the Sentencing Guidelines will be raised or are in dispute. If the Defendant intends to argue for any factor that could take the sentence outside of the advisory guidelines range, he will notify the Court, the United States Probation Officer and government counsel at least 14 days in advance of sentencing of the facts or issues he intends to raise. If the defendant intends to rely upon any expert report or opinion at sentencing, he must disclose any such opinion or report to the government 30 days in advance of the sentencing date.

#### Rule 11 (c) (1) (C) Plea

9. Based on all of the factors set forth in 18 U.S.C. § 3553(a), including but not limited to the nature and circumstances of the offense and the need to protect the public from further crimes of the defendant, the parties stipulate and agree pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C) that a sentence of 300 months incarceration is the appropriate disposition of this case. This agreement does not affect the Court's discretion to impose any lawful term of supervised release or fine or to set any lawful conditions of probation or supervised release. In the event that the Court rejects this plea agreement, either party may elect to declare the agreement null and void. Should the Defendant so elect, he will be afforded the opportunity to withdraw his plea pursuant to the provisions of Federal Rule of Criminal Procedure 11(c)(5).

#### Obligations of the United States Attorney's Office

10. The parties reserve the right to bring to the Court's attention at the time of sentencing, and the Court will be entitled to consider, all relevant information concerning the Defendant's background, character, and conduct, including any charged and uncharged conduct related to the investigation as well as any images seized during the investigation of any charged and uncharged conduct.

#### Restitution

11. The Defendant agrees that, pursuant to 18 U.S.C. §§ 3663, 3663A, and 2259, the Court may order restitution of the full amount of the actual, total loss caused by the offense conduct set forth in the factual stipulation. The Defendant further agrees that he will fully disclose to the probation officer and to the Court, subject to the penalty of perjury, all information, including but not limited to copies of all relevant bank and financial records, regarding the current location and prior disposition of all funds obtained as a result of the criminal conduct set forth in the factual stipulation. The Defendant further agrees to take all reasonable steps to retrieve or repatriate any such funds and to make them available for restitution. If the Defendant does not fulfill this provision, it will be considered a material breach of this plea agreement, and this Office may seek to be relieved of its obligations under this agreement.

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#### Registration as a Sex Offender

12. The defendant understands and agrees that as a consequence of his conviction for the crime to which he is pleading guilty, he will be required to register as a sex offender, and to keep that registration current, in the place where he resides, where he is employed, and where he is a student, pursuant to the Sex Offender Registration and Notification Act (SORNA), and the laws of the state of his residence. Failure to do so may violate the terms of his supervised release and subject him to new criminal charges pursuant to 18 U.S.C. § 2250.

#### Waiver of Appeal

13. In exchange for the concessions made by this Office and the Defendant in this plea agreement, this Office and the Defendant waive their rights to appeal as follows:

a. The Defendant knowingly waives all right, pursuant to 28 U.S.C. § 1291 or otherwise, to appeal the Defendant's conviction;

b. If the Court imposes the agreed-upon sentence, the Defendant and this Office knowingly waive all right, pursuant to 18 U.S.C. § 3742 or otherwise, to appeal whatever sentence is imposed (including the right to appeal any issues that relate to the establishment of the advisory guidelines range, the determination of the defendant's criminal history, the weighing of the sentencing factors, and the decision whether to impose and the calculation of any term of imprisonment, fine, order of forfeiture, order of restitution, and term or condition of supervised release).

c. Nothing in this agreement shall be construed to prevent the Defendant or this Office from invoking the provisions of Federal Rule of Criminal Procedure 35(a), or from appealing from any decision thereunder, should a sentence be imposed that resulted from arithmetical, technical, or other clear error.

d. The Defendant waives any and all rights under the Freedom of Information Act relating to the investigation and prosecution of the above-captioned matter and agrees not to file any request for documents from this Office or any investigating agency.

#### Obstruction or Other Violations of Law

14. The Defendant agrees that he will not commit any offense in violation of federal, state or local law between the date of this agreement and his sentencing in this case. In the event that the Defendant (i) engages in conduct after the date of this agreement which would justify a finding of obstruction of justice under U.S.S.G. § 3C1.1, or (ii) fails to accept personal responsibility for his conduct by failing to acknowledge his guilt to the probation officer who prepares the Presentence Report, or (iii) commits any offense in violation of federal, state or local law, then this Office will be relieved of its obligations to the Defendant as reflected in this

6

agreement. Specifically, this Office will be free to argue sentencing guidelines factors other than those stipulated in this agreement, and it will also be free to make sentencing recommendations other than those set out in this agreement. As with any alleged breach of this agreement, this Office will bear the burden of convincing the Court of the Defendant's obstructive or unlawful behavior and/or failure to acknowledge personal responsibility by a preponderance of the evidence. The Defendant acknowledges that he may not withdraw his guilty plea because this Office is relieved of its obligations under the agreement pursuant to this paragraph.

#### Entire Agreement

15. This agreement supersedes any prior understandings, promises, or conditions between this Office and the Defendant and constitutes the complete plea agreement in this case. The Defendant acknowledges that there are no other agreements, promises, undertakings or understandings between the Defendant and this Office other than those set forth in this agreement and none will be entered into unless in writing and signed by all parties.

If the Defendant fully accepts each and every term and condition of this letter, please sign and have the Defendant sign the original and return it to me promptly.

Very truly yours,

Rod J. Rosenstein  
United States Attorney

By: \_\_\_\_\_  
LisaMarie Freitas  
Special Assistant United States Attorney

Stacy Dawson Belf  
Assistant United States Attorney

I have read this agreement and carefully reviewed every part of it with my attorney. I understand it, and I voluntarily agree to it. Specifically, I have reviewed the Factual and Advisory Guidelines Stipulation with my attorney, and I do not wish to change any part of it. I am completely satisfied with the representation of my attorney.

Date

Francesca Bryan Kemache-Webster

*Bryan Kemache-Webster*

DEFENDANT: FRANESIOUR B. KEMACHE-WEBSTER

CASE NUMBER: RWT 8:10-cr-0654-001

**SUPERVISED RELEASE**Upon release from imprisonment, the defendant shall be on supervised release for a term of LIFE.

The defendant shall comply with all of the following conditions:

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

**A. STATUTORY CONDITIONS OF SUPERVISED RELEASE**

- 1) The defendant shall not commit any federal, state or local crime.
- 2) In any felony case, the defendant shall not possess a firearm or ammunition as defined in 18 U.S.C. §921.
- 3) The defendant shall not illegally use or possess a controlled substance.
- 4) The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.
- The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- 5) Pursuant to Pub. Law 108-405, Revised DNA Collection Requirements Under the Justice for All Act of 2004, if applicable, the defendant shall cooperate in the collection of DNA while incarcerated in the Bureau of Prisons, or as directed by the probation officer.
- 6) If this judgment imposes any criminal monetary penalty, including special assessment, fine, or restitution, it shall be a condition of supervised release that the defendant pay any such monetary penalty that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment. The defendant shall notify the court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution, fines, or special assessments.

**B. STANDARD CONDITIONS OF SUPERVISION**

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities;
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) The defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) The defendant shall refrain from excessive use of alcohol;
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any persons convicted of a felony unless granted permission to do so by the probation officer;
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) The defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
- 12) The defendant shall notify the probation officer within 72 hours of being charged with any offense, including a traffic offense;
- 13) The defendant shall not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the court;
- 14) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

**Federal Bureau of Prisons  
Psychology Data System**

Date-Title: 05-04-2010 - Eval/Rpt - ISDS Entry  
 Reg Number-Name: 42459-007 - KEMACHE-WEBSTER, FRANESIOUR B.  
 Author: JENNIFER A. WEBER, Ph.D., SEX OFFENDER PROG PSYCH  
 Institution: MAR - MARION USP

Psychology Data System and SENTRY records for Inmate WEBSTER were reviewed. The Mental Health section of the Inmate Skills Development System was completed or checked for accuracy and recommendations for his upcoming Program Review (Unit Team) were made.

\*\*SENSITIVE BUT UNCLASSIFIED\*\*

Case 8:10-cr-00654-RWT Document 127 Filed 08/05/11 Page 5 of 6

Sheet 5, Part A - Judgment in a Criminal Case with Supervised Release (Rev. 8/2010)

DEFENDANT: FRANESIOUR B. KEMACHE-WEBSTER

CASE NUMBER: RWT 8:10-cr-0654-001

Judgment Page 5 of 6

**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

Assessment	Fine	Restitution
TOTALS \$ 100.00	\$	\$

 CVB Processing Fee \$25.00

The determination of restitution is deferred until \_\_\_\_\_ An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(e), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss*	Restitution Ordered	Priority or Percentage
	0	0	

Restitution amount ordered pursuant to plea agreement: \_\_\_\_\_

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3632(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3632(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

the interest requirement is waived for  fine  restitution

the interest requirement for  fine  restitution is modified as follows:

\* Findings for the total amount or losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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10/16/2013

Case 8:10-cr-00654-RWT Document 127 Filed 08/05/11 Page 6 of 6

Sheet 6 - Judgment in a Criminal Case with Supervised Release (Rev. 2/2005)

DEFENDANT: FRANESIOUR B. KEMACHE-WEBSTER

CASE NUMBER: RWT 8:10-cr-0654-001

**SCHEDULE OF PAYMENTS**

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Payment of the total fine and other criminal monetary penalties shall be due as follows:

- A  In full immediately
- B  \$ \_\_\_\_\_ immediately, balance due (in accordance with C, D, or E); or
- C  Not later than \_\_\_\_\_; or
- D  Installments to commence \_\_\_\_\_ day(s) after the date of this judgment.
- E  In \_\_\_\_\_ (e.g. equal weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ year(s) to commence when the defendant is placed on supervised release.

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

Unless the court expressly orders otherwise, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalties except those payments made through the Bureau of Prisons Inmate Financial Responsibility Program, are to be made to the Clerk of the Court.

If the entire amount of criminal monetary penalties is not paid prior to the commencement of supervision, the balance shall be paid:

- in equal monthly installments during the term of supervision; or
- on a nominal payment schedule of \$ \_\_\_\_\_ per month during the term of supervision.

The U.S. probation officer may recommend a modification of the payment schedule depending on the defendant's financial circumstances.

Special instructions regarding the payment of criminal monetary penalties:

- Joint and Severe

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution
- The defendant shall pay the following court costs(s)
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Exhibit 27a



**Federal Bureau of Prisons  
Psychology Data System**

\*\*SENSITIVE BUT UNCLASSIFIED\*\*

Date-Title: 08-05-2010 - Eval/Rpt - ISDS  
 Reg Number-Name: 42459-007 - KEMACHE-WEBSTER, FRANESIOUR B.  
 Author: ROBIN D. EDMISTER, MSW, SOC WRKR  
 Institution: MAR - MARION USP

Psychology Data System and SENTRY records for Inmate WEBSTER were reviewed. The Mental Health section of the Inmate Skills Development System was completed or checked for accuracy and recommendations for his upcoming Program Review (Unit Team) were made.

\*\*SENSITIVE BUT UNCLASSIFIED\*\*

BP-S327.058 RETURNED CORRESPONDENCE  
U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

TO: (Sender-See Return Address) 1800 BELMONT DR, WEBSTER SILVER SPRING, MD 20902	FROM: (Institution) Federal Correctional Complex 4700 Bureau Road South Terre Haute, IN 47802
RE: (Inmate's Name and Register No.) KEMACHE-WEBSTER, FRANESIAR	DATE: SEPTEMBER 12, 2012

SUBJECT: Correspondence Returned to Sender

**Program Statement 5265.11.** The Warden may reject a correspondence sent by or to an inmate if it is determined detrimental to the security, good order, or discipline of the institution, to the protection of the public, or if it might facilitate criminal activity. The correspondence has been rejected as it has been determined that it is detrimental to the security, good order, or discipline of the institution.

The rejection of this correspondence is in accordance with the Federal Bureau of Prisons policy on "Correspondence" as published in Title 28 Code of Federal Regulations, Part 540 and in the Federal Bureau of Prisons Program Statement on correspondence. You have the right to appeal this rejection by writing the Warden in care of the above address. The inmate to whom you addressed your correspondence has been notified that this correspondence has been returned to you and of his or her right to appeal the rejection.

C. Williams, Associate Warden

(Printed or Typed Name and Written Signature of staff rejecting correspondence)

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10/16/2013

PDS Print All Documents

Page 1 of 2

Page 2 of 2



**Federal Bureau of Prisons  
Psychology Data System**

\*\*SENSITIVE BUT UNCLASSIFIED\*\*

Date-Title: 05-03-2010 - Intake Screening  
 Reg Number-Name: 42459-007 - KEMACHE-WEBSTER, FRANESIOUR B.  
 Author: JENNIFER A. WEBER, Ph.D., SEX OFFENDER PROG PSYCH  
 Institution: MAR - MARION USP

**TREATMENT/MENTAL HEALTH HISTORY:**

Inmate KEMACHE-WEBSTER reported the following:

Violence: 1988 Battery (Inmate described as domestic)

**ABUSE HISTORY:**

Inmate KEMACHE-WEBSTER reported no abuse history

**MENTAL STATUS:**

During the screening interview no mental status items were noteworthy.

His psychological stability for custody is judged to be **FAVORABLE**.**DRUG ABUSE HISTORY:**

Inmate KEMACHE-WEBSTER does not report a history of substance abuse.

**PROGRAM/TREATMENT RECOMMENDATIONS:**

No programs/treatment are recommended at this time.

Inmate KEMACHE-WEBSTER reported NO interest in participating programs/treatment.

**COMMENTS:**

The following information was gathered from a review of Sentry records and a clinical interview with the inmate. The purpose of the interview and the limits of confidentiality were reviewed with WEBSTER and he expressed a clear understanding of these issues.

**BACKGROUND:** Inmate WEBSTER is a 49-year-old, BLACK offender who is currently serving a 5-month sentence for Bad Check More than \$400. PRD=09-16-2010. Prior convictions include Larceny, Forgery, Failure of Ballee to Return, Battery, Theft, Resisting LEO, Fraud, and Bad Checks. Please see the PSIR for further review.

To summarize the pertinent details of WEBSTER's personal history, the inmate is from Washington, DC. He completed various graduate degrees (one reportedly in sociology), has never served in the military, and was last employed in investigations. He is separated and has 14 children, ranging from 5 to 30 years old. He stated he worries about his younger children, who were reportedly placed in

foster homes secondary to his incarceration.

Medical history is unremarkable with the exception of diabetes. Although his Sentry information indicates a drug history, there is no reported substance abuse history. He indicated no prior substance abuse treatment and no present interest in participating in treatment. According to Sentry, inmate WEBSTER has no documented history of sexually inappropriate behaviors. Inmate WEBSTER reported no mental health history, treatment, or psycho-pharmacological medication use.

The BOP Sexual Abuse Prevention policy was discussed. Inmate WEBSTER denied ever being the victim or perpetrator of sexual assault while in federal custody. The inmate expressed no desire for mental health services at this time.

**MENTAL STATUS:** During the interaction today, the inmate presented as calm, alert, and fully oriented. He was appropriately groomed. There was no notable difficulties with receptive or expressive language. His speech was of a normal rate and tone. Thoughts were organized and void of delusional content. His mood was within normal limits with congruent affect. The inmate denied current and past suicidal/homicidal ideation, plan, and intent. No mental health concerns or adjustment problems were reported and no acute distress was observed. His mental status is deemed to be stable. He does not meet MDS designation criteria.

He indicated an understanding of the procedure for contacting psychology services. No follow-up services are required.

\*\*SENSITIVE BUT UNCLASSIFIED\*\*



Federal Bureau of Prisons  
Psychology Data System

**Date-Title:** 09-13-2010 - Brief Counseling Session  
**Reg Number-Name:** 42459-007 - KEMACHE-WEBSTER, FRANESIOUR B.  
**Author:** JENNIFER A. WEBER, Ph.D., SEX OFFENDER PROG PSYCH  
**Institution:** MAR - MARION USP

S/O: Inmate Webster was seen today per his request to discuss a family matter. Inmate Webster discussed a family history of conflict involving the mothers of his children, his 16-year-old daughter, and his daughter's stepfather. Inmate Webster indicated his daughter had been sexually abused by her stepfather at an early age, but that his daughter's mother has not been accountable to recommendations and orders from the court regarding care of his daughter, reportedly resulting in his daughter's decision not to live with her mother at this time. Inmate Webster discussed his concerns for the well-being of his children and his intentions to reunite with all three children upon his release. At the end of today's session, he asked this writer for recommendations on how to manage his daughter's behaviors. He also asked for a written recommendation regarding custody/care of his children. Inmate Webster was encouraged to seek assistance from local child and family services upon release and was advised that custody evaluations require the evaluation of all parties (children and adults) and thus such recommendation of any form would not be offered by this writer.

A: Inmate Webster was alert, stable, and oriented across domains. He appeared cooperative and engaged in discussion. His mood and affect were congruent and within normal limits.

P: Inmate Webster is aware of how to contact Psychology Staff for assistance. He is scheduled to be released from custody this week. No follow-up services appear warranted at this time.

**\*\*SENSITIVE BUT UNCLASSIFIED\***

<https://bopware.bop.gov/pds/Document/Print.do?documentKey=3574958>

10/16/2013

 <p><b>The Women's Wing Organization, Inc.</b></p> <p><i>"Abetting the least, the last, the lost, and the forgotten, while elevating the lives of all persons in an atmosphere of dignity and respect."</i></p> <p><b>R.E.E.D. Program</b></p> <p>Presents this certificate to</p> <p><b>Bryan Webster</b></p> <p>For the successful completion of module(s) on Domestic Violence, Life Skills, and Anger Management</p> <p>issued by the</p> <p>United States Federal Marshal Service program, Greenbelt, Maryland District</p> <p>September 28, 2011</p> <p><i>J. Lloyd</i> <i>Segmentra Lloyd</i> Founder, Program Director</p> <p><i>"The do-wfullest of a man is not the end of his life."</i></p> <p><i>"We Do Recover."</i></p>
---

BP-S327.058 RETURNED CORRESPONDENCE  
U. S. DEPARTMENT OF JUSTICE FEDERAL BUREAU OF PRISONS

<b>TO:</b> (Sender-See Return Address) 1600-EBELBACH BLVD, Webster SILVER SPRING, MD 20902	<b>FROM:</b> (Institution) Federal Correctional Complex 4700 Bureau Road South Terre Haute, IN 47802
<b>RE:</b> (Inmate's Name and Register No.)	<b>DATE:</b>
KEMACHE-WEBSTER, FRANCESIA R	SEPTEMBER 12, 2012

**Program Statement 5265.11.** The Warden may reject a correspondence sent by or to an inmate if it is determined detrimental to the security, good order, or discipline of the institution, to the protection of the public, or if it might facilitate criminal activity. The correspondence has been rejected as it has been determined that it is detrimental to the security, good order, or discipline of the institution.

The rejection of this correspondence is in accordance with the Federal Bureau of Prisons policy on "Correspondence" as published in Title 28 Code of Federal Regulations, Part 540 and in the Federal Bureau of Prisons Program Statement on correspondence. You have the right to appeal this rejection by writing the Warden in care of the above address. The inmate to whom you addressed your correspondence has been notified that this correspondence has been returned to you and of his or her right to appeal the rejection.

*Wes*

C. Williams, Associate Warden

(Printed or Typed Name and Written Signature of staff rejecting correspondence)

**THE GEORGETOWN UNIVERSITY LAW CENTER**

*Presents this certificate to*

**Franciour Kemache-Webster**

*for successful completion of the*

**D.C. Street Law Program**

*S. Medway*

*Michaela Murphy*

*M. Murphy*

*M. Baffler*

*R. Roe*

**Sarah Medway, Clinical Fellow**

**Michaela Murphy, Law Student Instructor**

**M. Elizabeth Baffler, Law Student Instructor**

**Richard L. Roe, Program Director**

July, 2011

CHILD2MAIN

2010 09 20

164800-2.mp2

02:40--&gt;

FKU states adamantly; that she [KNOWS] her mother [GISELLE] had walked in one day while her stepfather [TOBE] was doing it to me.

FKU states that her stepfather [TOBE] made a video of her, and that her mom knows about it.

03:20--&gt;

FKU states that a social worker came to the house from P.G.County Marvalnd, but noting was done, Giselle made a statement, that if any thing was going on it was not with her husband that it is probably things going on with her daughter and her father.

03:38 to 10:00--&gt;

FKU speaks more about the actions of her mother and how she has a strong dislike for her, and that she feels her mom threw her and her father under the bus to save her self and her husband.

FKU speaks about her father and how they resemble each other in several ways, states that her mother loves to stretch the truth by saying one thing and then making it longer or more than it is. She states that she has spoken with her school counselor about Devonte because her mom has told all of her business about her and her on-going situation and circumstance with her father.

10:01 to 10:14--&gt;

FKU explains her closeness with Devonte as well as where he lives, what school he attends and how she has been staying there with him and his family and friends.

10:14--&gt;

The detective tells her that there is a U.S. Postal Investigator there to speak with her about her and her father, the agents name is: Crawford, everyone is talking over each other so its hard to make out, they're discussed that her narratives are fabricated and out of kilter.

11:40--&gt;

FKU states that she is about to be emancipated by her mother, that she wants to leave from 1602, that she does not like it there.

13:11--&gt;

She tells them that she had recently sent an e-mail to her father's regular e-mail account, to find out where he was at, he was suppose to already be home, but he did not answer me. I cursed him out for not answering me. They questioned her about what e-mail, she explained it is his personal e-mail, then she gives them her e-mail to check her account by giving up her password - unknowingly. They again [CHARGE] and [MANIPULATE] her.

15:20--&gt;

They ask her about the baby names and what does the 10/10/08 date mean of represent. She explains that the baby names were her idea, and the date is when her father first came and got her from her mom. They ask her about the names for the different body parts. She again explains about the names and how they came about.

20:15--&gt;

They ask her when was the last time she spoke to her father. FKU mentions that she spoke to her father yesterday, he gave her the address to where he was at and explained that he was charged but was not exactly sure what it is all about.

Page 9 of 10

In-camera Interview

Page 10 of 10

In-camera Interview

August 3, 2011

## RE: Webster Bryamnn ID # 42459-007

To Whom It May Concern,

My name is Phillip McNeal and I am the Head Addiction Counselor and Case Manager for the Educational Drug Program at the Correctional Treatment Facility in Washington, DC. I am writing this letter as an official reference to the progress of Webster Bryamnn who has been a resident participant of the program.

Mr. Webster B. entered the program on May 4, 2011 and became an active participant in a structured therapeutic group. His daily schedule included, but was not limited to, groups on the following curriculum: Narcotics Anonymous, Anger Management, Relapse Prevention, Drug Education, Men's Health, and Changing Addictive and Criminal Behavior.

Bryamnn shows the necessary willingness and desire to make changes in his life, and has exhibited these traits by his actions. His progress will continue to be monitored during his stay in the Educational Drug Program, and will be made available should the court request such information.

Respectfully yours,

*Phillip McNeal Inc.*

Phillip McNeal  
CAC I, Case Manager CCA/CTF  
Addictions Education Program



To whom it may concern:

It is my pleasure to write this letter on the behalf of Webster, Bryan #42459-007 giving his status while he has been housed here at the Correctional Treatment Facility in Washington DC. As his Case Manager I would like to inform this reader that Webster's behavior, and respect to staff at this facility has been outstanding. Mr. Webster is one of the few inmates on the unit that I supervisor that has never received a disciplinary in regards to behavior. Also, Mr. Webster is an aide in our facility Law Library, and GED chancellor for our US Marshal Unit. Please don't hesitate to contact me Case Manager Hayward at the phone number listed below.

Thank You.

Case Manager D.Hayward

202-547-7822 Ext: 72235

*Exhibit 28a*

THE IN-CAMERA INTERVIEW OF: F. "NIKKI" KEMACHE-WEBSTER

Lab # 9,215 - 006608(1)  
Case # 1843393 - RMCE  
Bar Code # ISODDD0405047  
ISODDD0495572 CHILD2MAIN 2010 0920 164800mp2  
FLS Imaging 12433 Randolph Dr. Dallas, Va. 20104 (703) 406-7144 10/13/10  
[Disk is Formatted]  
Interview is conducted by Detective "Levi" & Mont. Co. Soc. Serv. "Courtney"  
Time Stamped #1  
164800-0  
\* There was No Guardian Ad Litem, Parent, Attorney nor Adult Supervision involved in the interview of the minor.

First Part: Time Start:

00:00-&gt;

Mont. Co. Soc. Serv. [Courtney] & Detective [Levi] tell FKU she is not in any trouble, and that the question that are being asked are in fact the same ones that have been previously asked.

00:18-&gt;

FKU is asked to give her full name and what school she attends. FKU gives her current resident address as 1602 Belvedere Blvd. Sil. Spg, Md.

01:20-&gt;

FKU gave her common e-mail addresses.

FKU states that she lives with her mom and Grand-parents, also states that also residing there is her Aunts and an Uncle as well as tells of the pets that reside in; 1602 Belvedere Blvd. Sil. Spg, Md 20902<sup>3</sup>

05:10-&gt;

FKU states, she does not [LOVE] her step-father, he's a pain in the butt. Dad is in jail he was suppose to get out on the 16th, but the next day he went back to jail on the 17th. She states he was in the Penitentiary, but now he is in the jail. States she last saw her daddy in March this year. March 18, 2010

08:10-&gt;

FKU states, that there were conversations between her and her daddy about he having a child with her, she tells them that her and her daddy never had sex.

08:40-&gt;

FKU states that she has other siblings and that there are 14 of them. That most of them are grown, and speaks about places that are all considered to be inappropriate. She says that he had a feeling that the conversation that she had with her father was not the only one that he has had that conversation with about that conversation on the child issue, again states she and him have never had sex and she does not know why that conversation was ever mentioned.

10:15-&gt;

FKU states that she had sex with her boyfriends, she states that she has had 8 boyfriends, that she does not have a boyfriend now, she states that she had sex yesterday with a boy named Devonte, he's the boy that will take me to homecoming. He's not my boyfriend, he is just someone I trust, I've known him a long time

F. "NIKKI" KEMACHE-WEBSTER = FKU  
1602 Belvedere Blvd. Sil. Spg, Md. 20902 = 162  
Page 1 of 10

In-camera Interview

Page 2 of 10

In-camera Interview

CHILD2MAIN

2010 09 20

164800-0 mp2

22:53-> Detective Levi, tells her that it is his job to make sure that her father did not force her to have sex, he tells her that he could care less if she was okay with it. She again tells them that was not the case or the issue. They explain again to her that is the reason why her father is currently locked up.

24:00-&gt;

FKU tells them, she did not have her father locked up, she did not file or agree to no protections order against her father. She tells them she did not request no protective order.

25:10-&gt;

They began questioning her about the letters, and about the talk of sex and about having children. They ask her why the conversations. She states that she has no answer, nor reason, they continue to ask and she tells them she does not have an answer.

25:50-&gt;

FKU tells them, she does not know why she wrote the things that she wrote, she does not have a reason for why she did what she did.

26:10-&gt;

FKU is now angry and engaged in her responses, telling them, she is done talking, that she is not going to say or tell them anymore.

FKU is now at a boil of telling them, I am not going to tell you whether I wrote anything or not. She tell them; I am not going to tell all help you in hurting my father.

26:17-&gt;

FKU again emphatically tells them "I AM NOT GOING TO HELP YOU" she also tells them "I AM DONE HERE"

26:36-&gt;

They begin to threaten her with arresting her mother, by telling her if her mother was not telling the truth for writing the things that she wrote in her statements and they are not true, that she is going to be in trouble.

26:46-&gt;

FKU takes up for her mom, by saying: This is over with! I couldn't care less if I get locked up!, She expresses that she's not afraid of the police nor is she afraid to put her hands on the police or a police officer.

27:54-&gt;

FKU consistently tells them the interview is over! They continue to constantly [COERCER] her from 28:25 to 28:54, she gets to the point of being ready to leave yet can not, she gestures, in a different way.

28:54-&gt;

FKU looks at them and says" "I wrote it those;(things in the e-mail account, I wrote it)

CHILD2MAIN

2010 09 20

164800-0 mp2

14:25-&gt;

FKU states to them, that her daddy never touched her inappropriately the only thing my daddy does is look at me weird - he stares at me.

FKU refers to her daddy as her biological father as oppose to who she refers to as the stepfather to keep the two separate.

16:20-&gt;

Detective "Levi" confronts her about the e-mails and about being pregnant, she tells them again she is not pregnant and that she takes pregnancy test. They tell her that they know about having a baby with her father. She tells them that, she has never done anything with her father. They told her that they know that they were planning to have a child together, she tells them no, it is not like that. They tell her that is the reason why he is being held.

17:40-&gt;

FKU states, the reason that my daddy is locked up is for a stay away order filed, They tell her that is not the case & that they know about the names of different body parts;-She tells them again, she did not do anything with her daddy.

18:45-&gt;

FKU tells them , the reason that her father is not out is because of a stay away order, that is what her mom told her. Levi tells her No!, he has been arrested because it is illegal to entice a minor to engage in sexual activities.

19:35-&gt;

FKU tells them again that she did nothing with her father, that it was her stepfather.

21:00-&gt;

They tell her that she is lying and that she is not in any trouble.

21:20-&gt;

They tell her the bottom line is that they need to know if it is something that she went along with or if her father forced her to do this stuff.

21:45-&gt;

FKU tells them, she never had sex with her father and that he never forced her into anything, they ask her also telling her she is lying to them she emphatically expresses that there was no sexual relationship with her father. She expresses in her answer NOT

22:00-&gt;

FKU, tells the she is telling them the truth, they continue to tell that she is lying, making her tell them what they want to hear, not what she has to say. She explains to them that she had just met her father within the past two years and that she did not know him before that time.

22:40-&gt;

Again, they pressure her and tell her she is lying and that they need to know the truth, they want to know if her father kept her as a captive. She again expresses with anger that they are wrong and tells that is her father and she was never on captive, she is becoming very up-set and agitated by the accusations

Exhibit 28 b

CHILD2MAIN 2010 09 20

164800-1 mp2

00:00 to 00:49-&gt;

FKW is still agitated and appalled by the accusations and the threats that are given in regards to her mother getting into some type of trouble. They continue to [COERCE] her, even though she tells them the interview is over.

00:50 to 01:20-&gt;

FKW is asked about what does it mean about the 16 acts, she tells she does not want to talk no more, they continue to pressure her and she continues to get angry, they continue to ask her about the sex < tell her she's lying, and she wrote who she wrote means something. She tells them she did write them and used her own account to do so, she offers the account information again and password.

02:31-&gt;

They again still pressure her about whether it happened in D.C. or in Maryland, she tells them it never happened, and stresses that.

03:20-&gt;

FKW screams out, "How can you sit there and jump on my biological father, but you can't jump on my stepfather?" He begins to tell her, if you do not talk about this now it will mess you up in the head by not speaking about it, he tells her we do know he took advantage of you. She tells them, NO; we did not do any thing and he did not take advantage of me.

04:00-&gt;

He begins to question her about either it happened in D.C. or in Montgomery Co., he continues to [COERCE] her and pressure her, he does not let up. She becomes even angrier and will not calm down.

04:20-&gt;

He tells her; the reason we're investigating is that we don't know where the sex occurred. She tells them there was no sex, I lived with my daddy in D.C. she gives the address. I never lived with him in Md, in Mont. Co.

05:30-&gt;

FKW tells them it's not right for him to be locked up while my stepfather is still out there, still able to come to my home. That's why I ran away. She again tells them nothing happened with her father.

06:10-&gt;

He begins to pressure her and [COERCE] her even more. She still tells them nothing happened, she speaks of her mom and her stepfather. They tell her she is still lying.

06:40-&gt;

He tells her, "unless you get this out it will haunt you the rest of your life. They still continue to go back and forth over her not talking any more about it.

07:30-&gt;

FKW tells them she does not want to talk about any more. He still pressures her and coerces her, she gives up and gives a look of I'll tell them what they want to hear.

07:38-&gt;

FKW says "Dad is threatening to kill me. The sex with my dad, it happened in D.C. It wasn't even sex that you would call or consider, because I went along with it. And that's why I went on birth control.

Page 5 of 10

In-camera Interview

CHILD2MAIN 2010 09 20

164800-1 mp2

15:16-&gt;

FKW says that her dad has always been violent, than starts pointing marks on her arms and says that her daddy did them, she tells them that the bruises came from her dad. It is obvious that "Levi" nor "Courtney" believe her, it is showing her narratives to be imaginary. They are becoming dispelled by her fabrications.

15:40 to 17:46-&gt;

FKW states that her daddy was always violent, and that they did fight everyday from the first day that she was picked up, said they fought and she got beat up the first day they met, said she was beaten because she had on a halter top and a pair shorts. Again they had concerns or show concerns to the allegory since the first encounter with her father was on October 10, 2002 it is not probable that she was wearing a halter top and shorts to school in October during school hours nor the fall season.

17:49 to 18:17-&gt;

FKW starts speaking about the arrest in March when she last saw her daddy. They begin asking her where all did they live and what had happened where and when.

18:18-&gt;

FKW states that her daddy got them their own home, and that he got locked up for writing a bad check, lets them know that they were still living in D.C.

18:40 to 23:14-&gt;

FKW speaks about the homes, speaks about the doctor appointments, speaks about school, than she homes explicit and graphic as if she is bragging in her fabrications. The story is not consistent.

23:15 to 24:49-&gt;

FKW starts speaking about sex and positions, becoming more graphic, they began questioning her more about when and where her and her father were suppose to had been. She speaks about the use of her computer to speak with her father, and explains how her father would use a friends when her father would not be able to use his account because of him running out of units to speak with her on his account.

25:00 to 25:50-&gt;

FKW states that everything that she said in all of e-mails, letters and phone calls was not true, that she did not mean any of it, but everything that was in her father's e-mails, letters and phone calls that he said he meant every word of it. She stated that she was actually strapping him along until he came home, that when he came home she was going to cut him off and basically push him away. She tells them that she was telling him the things that she thought that he wanted to hear yet I would be like not giving him what he wanted.

26:15-&gt;

The detective and the social worker ask her about what was suppose to happen when you father arrives home from prison? FKW said that her plans were that when he came home, she was going to spend the day with him, like with a friend, but not spend the night with him, not to be with him any more. She said it would be more like friends, it is now obvious that the story is fabricated she uses the words friend or lil sister instead of father and daughter.

CHILD2MAIN

2010 09 20

164800-1 mp2

08:00-&gt;

FKW states to them that she went on birth control on her own, but Courtney looks at her with disbelief, they begin talking about what supposedly took place, where this all had taken place, FKW starts to express exaggerations in what she was saying, they both look very displaced and disheveled. They appear as they can not believe she says some of what she is saying.

08:30-&gt;

FKW states, "I feel like my mom sold me out. She doesn't like me dad so she's trying to get him in trouble, but she protects my stepdad." FKW continues to express the ill feelings that she has over her step father and how her mom is protecting him to hurt her father.

09:22-&gt;

The detective ask her how does she feel about saying dad had sex with her, she doesn't like it at all. They continue to ask her how she feels about that issue, she says she is just so sexually active.

10:14-&gt;

FKW tells them that she wants her father out of jail, she explains her reasons for why she wants him out and explains that she has younger brothers that live with her father that need their dad, they're in care.

10:30-&gt;

FKW tells them that she does not believe that her dad had sex with none of her brothers and sisters.

10:34-&gt;

They ask her how come her dad picked only her and why none of the others. They asked her how did he get her to have sex with her? She answered "oh he would beat me."

11:47-&gt;

Said she tried to leave, but she could not, so she was beaten up.

12:38-&gt;

FKW tells them she is not trying to get her father into trouble.

12:52-&gt;

FKW states that she does not care about her self, said before her dad she had a lot going on, she tells them how important her dad is to her and how messed her life was without him. They appear confused.

13:36-&gt;

Tells them that she wants to be an investigator, that her daddy is a private investigator and that she likes that kind of work?

14:00-&gt;

FKW, states that Devonte is the only person that ever care and protected her; Courtney is a bit shocked, mainly this is the same that she said she just slept with yesterday who is not her boyfriend but is taking her to the homecoming.

14:14-&gt;

FKW states that her mom sold her out, she states that her mom does not care about her or her father, that her mom threw them under the bus to protect her husband. Speaks about what she's been through with her.

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In-camera Interview

CHILD2MAIN

2010 09 20

164800-1 mp2

26:45-&gt;

FKW again starts speaking about sex again, she states that on some occasions there were condoms used and on others they were not, she again states that she placed herself on birth control after the first week or two, than she says that her father found out and took the pills from her. Again the social worker found that to be odd, since prescriptions are done by the doctor and the parent or guardian where a minor is of concern. And she had just stated that her father took her to the doctors ect,

27:45-&gt;

FKW states that her father had paid for a couple of pregnancy test for her, she not get into the specifics of why they were taken. Nor did the detective or social worker question her to why she needed the test other than to see if she were pregnant.

28:26-&gt;

FKW states that at first she thought initially the conversation over the child issues was if she had a boy or girl, what would it be or what she actually wanted. I had realized afterwards that when he sent the letter he wrote that he wanted it to be a child with me. They question her about it but she denies or does not give a full pr complete answer to their questions.

28:45-&gt;

FKW states that after she had ran away she had shown Devonte the letters. She also states that since they use different colognes and perfumes that s/he's sent each other scents of those.

THIRD PART CHILD2MAIN

2010 09 20

164800-2 mp2

00:00 to 00:18-&gt;

FKW, becomes agitated saying something about her picture was given out and that she did not like it. She was not clear on that issue.

00:45 to 01:19-&gt;

FKW states that of all of her siblings that she is the only one that likes or cares about her father, and no matter of regardless of what he does or has done she says she is the only one that can forgive.

02:10-&gt;

They question her more about the sexual relationship, she tells them that her stepfather did the same things as her father, except that he did it brutally.

02:24-&gt;

FKW, states that she had told her mother about what her stepfather had done to her and was doing to her, but all they would do is fight said her mom did nothing about it.

02:30-&gt;

FKW states; she was like 7 years old when her stepfather did the things that he did to her. She said she would tell her mother that her stomach hurts and she would say we will deal with it later. She is more engaged in the narration with her stepfather than she is with her father, she is even more direct and explicit on age, time and dates

Exh. B-1-28 C



**CERTIFICATE OF COMPLETION**

PRESENTED TO

awarded to:

**Francesiour Kemache-Webster****Francesiour Kemache-Webster**

for participating in the following ACE class:

**Effective Communication, Part 2**

FCI Terre Haute

For Successfully Completing the above Adult Continuing Education Course  
Federal Correctional Complex Education Department Terre Haute, IndianaA. Adams, Teacher

October 24, 2014

B. Williams  
ACE Coordinator**CERTIFICATE OF COMPLETION**

PRESENTED TO

**Francesiour Kemache-Webster****The Art of Critical Decision Making, Part 2**

July 2014

The gentleman named successfully completed the above Adult Continuing  
Education Course through the Education Department of the  
Federal Correctional Complex in Terre Haute, IndianaA. Adams, Teacher**Certificate of Completion**